AGENDA

REGULAR MEETING OF THE HEMET CITY COUNCIL

January 8, 2013

6:00 p.m. **www.cityofhemet.org**

City of Hemet Council Chambers

450 E. Latham Avenue *Please silence all cell phones*

**Notice: Members of the Public attending shall comply with the Council's adopted Rules of Decorum in Resolution No. 4148. A copy of the Rules of Decorum are available from the City Clerk.*

Call to Order

Roll Call

ROLL CALL: Council Members Krupa, Milne and Wright, Mayor Pro Tem Smith and Mayor Youssef

Work Study

Discussion regarding these items, with possible direction to staff

1. My Valley On-Line Community Resource Introduction – Nick Reed/Jason Strain

2. Public Safety Technology Update – Chief Brown

Closed Session

Notice of Opportunity for Public Comment

Members of the Public may comment upon any identified item on the closed session agenda. Since the Council's deliberation on these items is confidential, the City Council and City Staff will not be able to answer or address questions relating to the items other than procedural questions. At the conclusion of the closed session, the City Attorney will report any actions taken by the City Council which the Ralph M. Brown Act requires to be publicly reported.

3. Conference with Legal Counsel - Anticipated Litigation
   One matter of significant exposure to litigation pursuant to Government Code section 54956.9(b)

REGULAR SESSION

7:00 p.m.
City of Hemet Council Chambers
450 E. Latham Avenue

Call to Order

Roll Call

ROLL CALL: Council Members Krupa, Milne and Wright, Mayor Pro Tem Smith and Mayor Youssef

Invocation

Pledge of Allegiance

City Attorney Closed Session Report

4. Conference with Legal Counsel - Anticipated Litigation
   One matter of significant exposure to litigation pursuant to Government Code section 54956.9(b)

Presentation

5. Acknowledge the 2012 City of Hemet Christmas Parade Trophy winners

6. Recognize the Hemet High School Bulldogs – 3rd Straight CIF Volleyball Championship

7. Hemet Public Library Presentation to New City Council & City Manager

8. Certificate of Appreciation for Citizen Heroism

City Council Business

Notice to the Public

The Consent Calendar contains items which are typically routine in nature and will be enacted by one motion by the Council unless an item is removed for discussion by a member of the public, staff, or Council. If you wish to discuss a Consent Calendar item please come to the microphone and state the number of the item you wish to discuss. Then wait near the lectern. When the Mayor calls your item give your last name, and address, then begin speaking. You will have three minutes at that time to address the council.

Consent Calendar

9. **Receive and File** – Council Committees and Liaisons to Outside Organizations

10. **Approval of Minutes** – December 11, 2012

11. **Approval of Minutes** – December 18, 2012

12. **Receive and File** – Warrant Register
    a. Warrant registers dated November 29, 2012, December 6, 2012 and December 13, 2012. Payroll for the period of November 26, 2012 to December 9, 2012 was $641,976.01.

13. **Receive and File** – Investment Portfolio as of September 2012

14. **Recommendation by Community Investment** – Special Event Funding Budget Transfer
    a. Approve transfer of $3,000 from the City Produced Events to the Special Event Grant Program to provide additional funding to offset additional costs associated with Hemet Chamber of Commerce's, Harvestfest and Hemet Farmer's Market Productions, Hometown Christmas.

Communications from the Public

Anyone who wishes to address the Council regarding items not on the agenda may do so at this time. As a courtesy, please complete a Request to Speak Form, found at the City Clerk's desk. Submit your completed form to the City Clerk prior to the beginning of the meeting. Presentations are limited to three minutes in consideration of others who are here for agenda items. Please come forward to the lectern when the Mayor calls upon you. When you are recognized, you may proceed with your comments.

Notice: Members of the Public attending shall comply with the adopted Rules of Decorum in Resolution No. 4148. A copy of the Rules of Decorum are available from the City Clerk.

State law prohibits the City Council from taking action or discussing any item not appearing on the agenda except for brief responses to statements made or questions posed by the public. In addition, they may, on their own initiative or in response to questions posed by the public, ask a question for clarification, provide a reference to staff or other resources for factual information, or request staff to report back to them at a subsequent meeting. Furthermore, a member of the City Council or the council itself may take action to direct staff to place a matter of business on a future agenda.

Public Hearings

The City Council's procedure for public hearings will be as follows: The Mayor will ask the City Manager for the staff report; the City Manager will call on the appropriate staff member for the report. The Mayor will ask for clarification of items presented, if needed. The Mayor will open the public hearing: ask for comments from those IN FAVOR of the case; ask for comments IN OPPOSITION to the case; and finally for rebuttal to any comments made. The Mayor will then CLOSE THE PUBLIC HEARING. The Mayor will ask the City Manager to respond to any questions raised by the public (the public will not have the opportunity to respond). The matter will then be discussed by members of the City Council prior to taking action on the item.

15. **Zoning Ordinance Amendment No. 12-005 (Alcoholic Beverage Sale Regulations)** – Community Development Director Elliano
    a. Conduct a public hearing; and
    b. Introduce, read by title only and waive further reading of an ordinance amending Chapter 90, Article III of the Hemet Municipal Code regarding the establishment of alcoholic beverage sales regulations **Ordinance Bill No. 13-001**; and
    c. Direct staff to file a Notice of Exemption with the County Clerk in compliance with the California Environmental Quality Act.

Discussion/Action Items

16. **City Council Appointment of Director to the Hemet Community Land Trust** - Community Investment Director Jansons
    a. Appoint a new "City Director" to the Hemet Community Land Trust to fill the vacancy created by the retirement of James Foreman.

17. **2013-2014 Program Year Community Development Block Grant (CDBG)** – CDBG Coordinator Carla Callahan

a. Presentation about the Community Development Block Grant (CDBG) Program, address any comments or questions to staff and provide direction for review and award recommendation of the 2013-2014 program year.

City Council Reports

18. CITY COUNCIL REPORTS AND COMMENTS

A. Council Member Krupa

1. Library Board
2. Traffic and Parking Commission
4. Riverside County Habitat Conservation Agency (RCHCA)
5. Riverside Conservation Authority (RCA)
6. Ramona Bowl Association
7. Indian Gaming Distribution Fund
8. Hemet ROCS Citizens Advisory Committee (CAC)
9. Riverside Transit Agency (RTA)
10. League of California Cities

B. Council Member Milne

C. Council Member Wright

D. Mayor Pro Tem Smith

1. League of California Cities
2. Riverside County Transportation Commission (RCTC)
3. Planning Commission
4. Public Safety Update
5. National League of Cities
6. Hemet ROCS Citizens Advisory Committee (CAC)

E. Mayor Youssef

1. Western Riverside Council of Governments (WRCOG)
2. Riverside County Transportation Commission (RCTC)

F. Ad-Hoc Committee Reports

1. Crime Stoppers Plus Ad-Hoc Committee

G. Interim City Manager Bradley
1. Manager's Reports

Recess to Housing Authority Meeting

Continued Closed Session

City Attorney Continued Closed Session Report

Future Agenda Items

If Members of Council have items for consideration at the next City Council meeting, please state the agenda item to provide direction to the City Manager.

Adjournment

Adjourn to Tuesday, January 22, 2013 at 7:00 p.m. for considerations of items placed on that agenda. The next regular meeting will be held February 12, 2013.

Staff reports and other disclosable public records related to open session agenda items are available at the City Clerk's Office or at the public counter located at 445 E. Florida Avenue during normal business hours.

AGENDA # 5

Staff Report

TO: Honorable Mayor and City Council

FROM: Laurie Knotek, Special Projects Manager

DATE: January 08, 2013

RE: Presentation: 2012 Christmas Parade Review

RECOMMENDATION:
Staff recommends that the City Council hear a presentation by staff reviewing the Hemet 2012 Christmas Parade and acknowledge parade winners, participants and supporters.

BACKGROUND and DISCUSSION:
Since the early 2000's the City of Hemet has produced a community Christmas Parade. This year's parade was held on Saturday December 1. This year's theme was "Celebrating 90 Years of Ramona". Participation was increased over last year with approximately 100 entries, 4,500 participants and nearly 15,000 spectators lining the parade route along Florida Avenue.

Each year, entrants vie for awards in various categories to acknowledge their involvement and community pride. This year's panel of judges included, a former "Ramona", Ms. Monica Reichl, a former "Allessandro", Mr. Crist Thomas, and Ms. Patti Drusky of the Hemet Chamber of Commerce who concluded that the following entries earned award.

Category	Trophy winners
Animal	La Cabana Restaurant
Antique Auto	Cruisin A's Car Club
Band	Hemet High School
Walking	Ramona Pageant
Float	Valley Wide Kayak Club
Motorized	Hemet Public Library
Non-motorized	Acacia Middle School Indian Rock Racer
School	West Valley High School
Best Overall Depiction of Theme	American Medical Response (AMR)

Special thanks go to the members of the Parade Committee, City employees, community organizations and volunteers and the producers of *Christmas in the Park* that make the Christmas Parade and Christmas in the Park a very special day for all in the Hemet - San Jacinto Valley.

ALTERNATIVES:
N/A

FISCAL IMPACT:
It is anticipated that the 2012 Christmas Parade will be at or below the authorized budget.

COORDINATION AND REVIEW:
The recommended action has been coordinated with all City Departments involved in the annual Christmas Parade.

STRATEGIC PLAN AND COUNCIL GOALS INTEGRATION:
The recommended action supports the goals of improving the quality of life, and fostering economic vitality in Hemet.

CONCLUSION:
It is respectfully recommended that the City Council hear a presentation by Staff reviewing the Hemet 2012 Christmas Parade and acknowledge and congratulate parade winners, participants volunteers and supporters.

Recommended By:

John Jansons
Community Investment Director

Approved By:

Ronald E. Bradley
Interim City Manager

#9

January 2012

COUNCIL COMMITTEES AND LIAISONS TO OUTSIDE ORGANIZATIONS

COUNCIL STANDING COMMITTEES	MEMBER(S)	ADMIN	CLERICAL	MEETING DATES/TIMES
Housing	Krupa/Smith	Jansons	Aguilar	As Needed
RDA	Krupa/Wright	Jansons	Aguilar	As Needed
LIAISON TO CITY BOARDS/COMMISSIONS				
Library Board	Krupa	Caines	Caines	3rd Friday/ 10:00 a.m.
Park Commission	Wright	Jensen	Jensen	Last Monday/4:00 p.m.
Planning Commission	Smith	Elliano	Shaw	1st & 3rd Tuesdays/6:00p.m.
Traffic and Parking Commission	Krupa	Biagioni	Joiner	2nd Tuesday/8:00 a.m.
Disaster Planning Commission	Youssef		N/A	As Needed
LIAISON TO OUTSIDE	**ORGANIZATIONS**			
Indian Gaming Distribution Fund	Krupa/Wright	Orme		As Needed
League of Calif Cities	Smith/Milne			2nd Monday/6:00 p.m.
Riverside County Transportation Commission	Smith/Youssef	Biagioni/Elliano		2nd Weds/9:00 a.m./ Riverside
Riverside County Habitat Conservation Agency Contact: Carolyn Syms-Luna	Milne/Wright	Elliano		As Needed
Riverside Transit Agency	Krupa/Milne			4th Thurs/ 2:00 p.m./ Riverside (Nov & Dec - 3rd Thurs)
RCA Contact: Honey	Milne/Krupa			1st Monday/1:00 p.m. Riverside
Ramona Bowl Board of Dir. Ex-Officio	Krupa/Wright			As Needed
WRCOG	Smith/Youssef			1st Mon. / 2:00 p.m./ Riverside Admin Comm/2nd Wed/1:00pm/RCTC Building

I:\users\CClerk\Boards-Commissions\Council Committee Appointments.wpd

#10

MINUTES

REGULAR MEETING OF THE HEMET CITY COUNCIL

December 11, 2012

REGULAR SESSION

7:00 p.m.
City of Hemet Council Chambers
450 E. Latham Avenue

Call to Order

Mayor Youssef called the meeting to order at 7:00 p.m.

Roll Call

PRESENT: Council Members Epps, Krupa and Smith, Mayor Pro Tem Foreman and Mayor Youssef

ABSENT: None

Invocation

Invocation was given by Darleana McHenry, Hemet-San Jacinto Interfaith Council

Pledge of Allegiance

Pledge of Allegiance was led by Mayor Pro Tem Foreman

Consent Calendar

1. **Approval of Minutes** - November 13, 2012

Council Member Epps moved and Council Member Krupa seconded a motion to approve the Consent Calendar as presented. Motion carried 5-0.

Certification of Election

2. **Certification of Election Results** - City Clerk McComas
   a. Adopt a resolution reciting the fact of the Consolidated Presidential General Election held on November 6, 2012, declaring the results.
   Resolution No. 4526

Council Member Smith moved and Council Member Epps seconded a motion to adopt Resolution No. 4526. Motion carried 5-0.

Presentations

3. Presentations to Council Member Epps and Mayor Pro Tem Foreman

Mayor Youssef, presented plaques to Council Member Robert Epps and Mayor Pro Tem Jim Foreman for their service on the City Council. Council Member Epps stepped up and offered his service when Council Member Franchville resigned his position. Your time and service was greatly appreciated. Mayor Pro Tem Foreman and I were elected in 2008 and had to make budget cuts at our first Council Meeting. Jim Foreman has served his community in every aspect. It has been a pleasure serving with you on the City Council.

Council Member Epps, this time on the City Council has been great. The future holds a positive direction for the City Council. The City of Hemet has an incredible staff and I am glad to live in Hemet.

Mayor Pro Tem Foreman, thanked the residents for voting for him four years ago. This has been a difficult four years, beginning with the very first meeting. The financial situation is stressful for the City Council and the employees. Hopefully we will see the economy turn around. It has been an experience to say the least, thank you again for your support.

Mayor Youssef, presented City of Hemet streets signs, "Bob Epps Drive" for Robert Epps and "Foreman's Way" for Jim Foreman.

Council Member Smith, thanked Mayor Pro Tem Foreman for his 4 years of service and thanked Council Member Epps for stepping up during a difficult time.

Council Member Krupa, Council Member Epps wishes that he ran for a full term, we encourage you to consider it in the future. Mayor Pro Tem Foreman it has been a pleasure to serve with you for the last two years. Good luck.

Oath of Office

4. City Clerk will administer the Oath of Office to the newly elected Council Members Shelly Milne, Bonnie Wright and Robert Youssef and City Treasurer Judith Oltman

City Clerk McComas administered the Oath of Office to the newly elected Council Members and Treasurer.

The City Council recessed briefly at 7:15 p.m.
Reconvened at 7:23 p.m

Roll Call

PRESENT: Council Members Krupa, Milne, Smith, Wright and Youssef
ABSENT: None

Council Reorganization

5. City Clerk to Call for Nominations for the Office of Mayor
City Clerk McComas, called for nominations for the Office of Mayor.
Council Member Smith moved and Council Member Milne seconded the motion to appoint Robert Youssef as Mayor. Motion carried 5-0.

6. Mayor to Call for Nominations for the Office of Mayor Pro Tem
Mayor Youssef, called for nominations for the Office of Mayor Pro Tem.
Council Member Milne moved and Mayor Youssef seconded the motion to appoint Larry Smith as Mayor Pro Tem. Motion carried 5-0.

Closed Session

Notice of Opportunity for Public Comment
Nicole Tamez, Hemet, expressed gratitude in what Mr. Orme has accomplished in four months. Mr. Orme was instrumental in getting the crosswalk at West Valley High School and has attended community clean ups. You won't find anyone better than him for City Manager. Mr. Orme has dedicated his personal and professional time to the residents of this community. Ms. Tamez expressed concern with spending $375,000 on two reports that have not been filed. The City Council continues to say that we do not have enough money to adequately fund the Police Department. If that is the case, then we can't afford another consultant. If we do have money, hire more police officers.
Tami Wilhelm, Hemet, welcomed the newly seated Council Members. Ms. Wilhelm expressed concern and reminded the City Council that the decisions they make today will have far reaching effects. The placement of these two closed session items on this agenda, give the appearance that Council Members are having discussions outside of the public meetings. Your decision tonight will either heal your ties with the community or cause distrust. There are still unanswered questions regarding the Public Safety Departments. This single action will invoke additional insecurity of these employees. More public safety employees will seek employment elsewhere, then the decision will be made for you. Mark Orme has been the best City Manager that Hemet has had in a decade. Ms. Wilhelm recommended that if the City Council really feels that hiring Ron Bradley is the best decision, the City Council should wait until the public safety question has been answered. Maybe Mr. Bradley can help Hemet's economic future. Please table this item until the new Council Members have had more time to consider it.
Rick Hammond, Hemet, asked Council Members Milne and Wright if they are prepared to evaluate the City Manager with so little time on the City Council, a decision that will affect our community for years to come. Mr. Hammond recommended that the decision not be made tonight.

Paul Raver, Hemet, congratulated the newly elected Council Members. Mr. Raver asked why these items were placed on the agenda. The new Council Members need time to research the issues. Mr. Orme's contract is in place until February 2013. The City has already spent a lot of money on consultants to study and refine the public safety departments. The new Council Members should have time to study their reports, before you hire another consultant. Mr. Orme has served under five City Manager's over the past thirteen years. Mr. Raver recommended that the City Council pull agenda item nos. 7 and 8 and hire Mr. Orme as the permanent City Manager.

The City Council recessed to Closed Session at 8:09 p.m.

7. Public Employee Performance Evaluation
   Pursuant to Government Code section 54957
   Title: Interim City Manager

8. Public Employee Appointment
   Pursuant to Government Code section 54957
   Title: Interim City Manager or City Manager

Reconvened at 9:33 p.m.

City Attorney Closed Session Report

9. Public Employee Performance Evaluation
   Pursuant to Government Code section 54957
   Title: Interim City Manager

10. Public Employee Appointment
    Pursuant to Government Code section 54957
    Title: Interim City Manager or City Manager

The City Attorney reported that the City Council voted to appoint Ron Bradley as the City's Interim City Manager. Motion carried 4-1. Council Member Wright voted No. Mr. Orme will be the City's Assistant City Manager. The City Council will move their December 25, 2012 meeting to December 18, 2012 at 11:30 in the Council Chambers to consider the contracts for Mr. Bradley and Mr. Orme.

Mayor Youssef, we all know that the City has challenges to face. During my first term, the City has had 4 different City Managers. Mark Orme has been the best. This will provide Mr. Orme with an opportunity to work with one of the best City Manager's while we look for a permanent City Manager.

Work Study

Discussion regarding these items, with possible direction to staff

11. Update on EMWD Recycle Water Pond Project – Charlie Bachmann, EMWD

Charlie Bachmann, Assistant General Manager, gave the City Council a powerpoint presentation on the East Diamond Valley Lake (DVL) Recycled Water Storage Pond. The East DVL recycled water storage pond is a demonstration project located on an 80 acre site east of DVL in an existing depressed basin on Metropolitan Water Districts (MWD) property, within the City of Hemet. The recycled water pipeline will connect with EMWD's regional system. The original project elements were: mitigated negative declaration; right of entry from MWD to construct facilities; lease agreement with MWD defining construction term and roles and responsibilities; and MOU with MWD/City of Hemet/EMWD defining the context of the project. Construction of a 6-acre pilot phase to validate the project viability will be followed by construction of the 80-acre demonstration project. The estimated cost is $2-3 million. Comments have been received on the MND from the California Department of Fish & Game (Mitigate for loss of riparian habitat and consistency with Riverside County MSHCP) and from the City of Hemet (Ensure that project will not preclude the long-term purpose of community recreation). Based on the fact that the project will cost $2-3 million without knowing the long-term project viability, the approach has been revised. The Demonstration project has been redefined to a 6-acre site. The MND has been withdrawn. With approval from the California Dept. of Fish & Game and the City of Hemet, a Categorical Exemption will be issued. The 6-acre site will be improved under MWD's right of entry. If this is approved, a new MND will be initiated, EMWD will negotiate with MWD to purchase the property and the project will be implemented. Mr. Bachmann showed aerial maps of the proposed Percolation Test area.

12. Update on Public Safety Technology Projects – Dave Brown, Police Chief

This item was continued to January 8, 2013.

Mark Orme, Interim City Manager, requested that the City Council add an urgency item to the Consent Calendar that arose subsequent to the preparation of the agenda and requires action prior to the next Regular Meeting.

Council Member Milne moved and Council Member Wright seconded a motion to add Item No. 21A to the Consent Calendar. Motion carried 5-0.

City Council Business

Consent Calendar

13. **Receive and File** – Investment Portfolio as of August 2012

14. **Receive and File** – Warrant Register
    a. Warrant registers dated October 31, 2012 and November 15, 2012. Payroll for the period of October 29, 2012 to November 11, 2012 was $609,008.42 and November 12, 2012 to November 25, 2012 was $621,098.02.

15. **Recommendation by Fire Department** – Fiscal Year 2012/13 Emergency Management Performance Grant (EMPG) Award - $19,374.00 to the City of Hemet, Emergency Services Department
    a. Accept the grant approved by the California Emergency Management Agency (CalEMA) for the Riverside County's FY 2012/13 Emergency Management Performance Grant Program in the amount of $19,374.00; and
    b. Approve expenditure of funds to purchase supplies and equipment, and to fund the current Emergency Services Coordinator (50% of the salary) to support the City of Hemet, Fire Department 2012 Emergency Services Program.

16. **Recommendation by Fire Department** – 2012/2014 Homeland Security Grant Program (HSGP) for Community Emergency Response Team (CERT) Grant Program Expenditure
    a. Accept the grant approved by the California Emergency Management Agency (Cal EMA) for the Riverside County Homeland Security Grant Program (HSGP) awarded to the City of Hemet for the CERT Program in the amount of $12,117.00; and
    b. Approve expenditure of funds to purchase a Contract Trainer, supplies and equipment to support the City of Hemet Fire Department 2012/2014 CERT Program.

17. **Recommendation b Police Chief** – Authorization to use CA State 911 Emergency Communications Office funding to upgrade E911 Dispatch Consoles
    a. Authorize the City Manager to execute a purchase agreement with Russ Bassett Co. for the purchase of (5) replacement 911 Dispatch Consoles at a total cost of $93,773.97. This purchase is fully funded through reimbursement by the CA State 911 Emergency Communications Office.

18. **Recommendation by Engineering** – Dedication of Street Right-of-Way, Sterling Real Estate Partners I, LLC and Omni Financial, LLC, SW corner of Cawston Avenue and Menlo Avenue
    a. Accept the Grant Deed for public street purposes; and
    b. Authorize the City Clerk to record it with the County of Riverside Recorder's Office.

19. **Recommendation by Engineering** – Safe Routes to School Project CIP 5548 – Intersection Improvements at Menlo Avenue and Cawston Avenue and CEQA Notice of Exemption
    a. Approve the project and the CEQA Categorical Exemption performed by the Community Development Department. Project budgeting and funding will be presented at the contract award phase; and
    b. Approve and direct staff to process the Notice of Exemption document for filing with the County Recorder.

20. **Recommendation by Community Development** – Extension of Established Service Authority for the Abandoned Vehicle Abatement Program
    a. Adopt a resolution authorizing the extension of the service fee collected on behalf of the Riverside County Abandoned Vehicle Abatement service authority until May 2024. **Resolution Bill No. 12-078**

21. **Recommendation by Public Works** – Park Commission Recommendations
    a. Tree Removal Request – 801 N. Kirby Street – Palm Trees (5)
    Approve request contingent upon property owners replacing.

21.A **Recommendation by Police Department** – 2012 California Office Traffic Safety – Selective Traffic Enforcement Grant
    a. Accept the 2012/13 California State Office of Traffic Safety (OTS) Grant in the amount of $85,000. Upon receipt of the award, direct the Finance Department to establish an expenditure account and budget for the grant performance period.

Mayor Pro Tem Smith moved and Council Member Krupa seconded a motion to approve the Consent Calendar as presented. Motion carried 5-0.

Communications from the Public

Donald Ash, Hemet, expressed concern with the exit on the east side of the Library and requested that it be open for through traffic.
Mr. Ash was referred to Sgt. Arrellano

Keith Broaders, Hemet, recommended that all City employees be required to complete a course and pass a test on the Declaration of Independence. Mr. Broaders feels that the Police employees should understand the Bill of Rights.
Daryl Woods, Hemet, expressed concern with RDA funds being used for any additional low and moderate housing. Mr. Woods also recommended that funds received from the sale of the Refuse Department be used to fund the public safety departments. Mr. Woods recommended that if Mark Orme is leaving the City of Hemet, a state or national search should be conducted for the selection of a permanent City Manager.
Emily Quast McDonough, expressed concern regarding a code violation that she submitted. The City has contacted the property owner a number of times, yet the violation has not been corrected.
Ms. McDonough was referred to Code Enforcement.

City Council Reports

22. CITY COUNCIL REPORTS AND COMMENTS
    A. Council Member Krupa
        1. Library Board
        2. Traffic and Parking Commission
        4. Riverside County Habitat Conservation Agency (RCHCA)
        5. Riverside Conservation Authority (RCA)
        6. Ramona Bowl Association
        7. Indian Gaming Distribution Fund
        8. Hemet ROCS Citizens Advisory Committee (CAC)
        9. Riverside Transit Agency (RTA)
        10. League of California Cities

    B. Council Member Milne

    C. Council Member Smith
        1. League of California Cities
        2. Riverside County Transportation Commission (RCTC)
        3. Planning Commission
        4. Public Safety Update

        5. National League of Cities
        6. Hemet ROCS Citizens Advisory Committee (CAC)

    D. Council Member Wright

E. Council Member Youssef

1. Western Riverside Council of Governments (WRCOG)
2. Riverside County Transportation Commission (RCTC)

F. Ad-Hoc Committee Reports

1. Christmas Parade Committee

Council Member Krupa, the Christmas Parade was a success.

G. Interim City Manager Orme

1. Manager's Reports
2. Ad-Hoc Committee Appointment for Review of Crime Stoppers Plus Program

The City Council appointed Council Members Milne and Wright to the Ad-Hoc Committee.

The City Council recessed to Housing Authority Meeting at 9:38 p.m.
Reconvened at 9:42 p.m.

Future Agenda Items

There were no future items requested at this time.

Adjournment

Adjourned at 9:44 p.m. to Tuesday, January 8, 2013 at 7:00 p.m.

#11

MINUTES

ADJOURNED REGULAR MEETING OF THE HEMET CITY COUNCIL

December 18, 2012

REGULAR SESSION

11:30 a.m.
City of Hemet Council Chambers
450 E. Latham Avenue

Call to Order

Mayor Youssef called the meeting to order at 11:30 a.m.

Roll Call

PRESENT: Council Members Krupa, Milne and Wright, Mayor Pro Tem Smith and Mayor Youssef

ABSENT: None

Invocation

Invocation was given by Mayor Pro Tem Smith

Pledge of Allegiance

Pledge of Allegiance was led by Council Member Wright

City Council Business
Consent Calendar

1. **At-Will Employment Agreement for the position of Interim City Manager**
   a. Approve an Employment Agreement for the position of Interim City Manager between the City of Hemet and Ronald Bradley

2. **At-Will Employment Agreement for the position of Assistant City Manager**
   a. Approve an Employment Agreement for the position of Assistant City Manager between the City of Hemet and Mark Orme.

Mayor Pro Tem Smith moved and Council Member Krupa seconded a motion to approve the Consent Calendar as presented. Motion carried 5-0.

Communications from the Public

There were no communications from the public at this time.

Future Agenda Items

Mayor Pro Tem Smith, requested that a letter sending thoughts and prayers to the victims in Connecticut be prepared for the City Council's signature.

Adjournment

Adjourned at 11:33 a.m. to Tuesday, January 8, 2013 at 7:00 p.m.

AGENDA # 12

Staff Report

TO: Honorable Mayor and Members of the City Council

FROM: Rita Conrad, Deputy City Manager/Administrative Services;
Ron Bradley, Interim City Manager

DATE: January 8, 2013

RE: Warrant Register

The City of Hemet's warrant registers dated November 29, 2012, December 6, 2012 and December 13, 2012 are currently posted on the City's website in the Finance Department section, under *Financial Information*. Payroll for the period of November 26 2012 to December 9, 2012 was $641,976.01.

CLAIMS VOUCHER APPROVAL

"I, Rita Conrad, Deputy City Manager/Administrative Services, do hereby certify that to the best of my knowledge and ability, that the warrant register posted on the city's website is a true and correct list of warrants for bills submitted to the City of Hemet, and the payroll register through the dates listed above, and that there will be sufficient monies in the respective funds for their payment."

Respectfully submitted,

Rita Conrad

Rita Conrad
Deputy City Manager/Administrative Services

RC: mh

CITY OF HEMET
VOUCHER/WARRANT REGISTER
FOR ALL PERIODS

CLAIMS VOUCHER APPROVAL

I, RITA CONRAD, DO HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND ABILITY, THAT THE WR POSTED ON THE CITY WEBSITE IS A TRUE AND CORRECT LIST OF WARRANTS FOR BILLS SUBMITTED TO THE CITY OF HEMET THROUGH THE DATES LISTED ABOVE, AND THAT THERE WILL BE SUFFICIENT MONIES IN THE RESPECTIVE FUNDS FOR THEIR PAYMENT.

RITA CONRAD
DEPUTY CITY MANAGER/ADMINISTRATIVE SERVICES

AGENDA # 13

Staff Report

TO: Honorable Mayor and members of the City Council

FROM: Judith L. Oltman, City Treasurer

DATE: January 8, 2013

RE: Investment Portfolio as of September 2012

RECOMMENDED ACTION:

Receive and file.

ANALYSIS:
The summary statement of activity and balances of the Treasurer's Investment Portfolio for the month of September 2012 is forwarded herewith for your review. On 9/27/12 we purchased a 3 yr Safra National Bank NY, negotiable CD #3164 for $247,000 at .8%. On 9/28/12 our FNMA #2244 was called.

I hereby certify that this report accurately reflects all City of Hemet pooled investments and is in conformity with the investment policy of the City of Hemet and that a copy hereof is on file in the office of the City Clerk. Our third party custodial bank, Bank of New York Mellon, has provided us with the monthly market values.

It is further certified that there is sufficient liquidity to meet the next six months' estimated day-to-day operational expenses.

Respectfully Submitted,

Judith L. Oltman

Judith L. Oltman
City Treasurer

attachment

CITY OF HEMET, CALIFORNIA
Monthly Report of Investment Activities

SEPTEMBER 2012

INVESTMENT CLASSIFICATIONS	MONTHLY ACTIVITY	CONSOLIDATED BALANCE
PORTFOLIO AS OF August 2012	75,663,524.26	
CERTIFICATES OF DEPOSIT		
Placed this month	249,000.00	
Matured this month		
Balance		**5,108,000.00**
LOCAL AGENCY INVESTMENT FUND: City of Hemet		
Deposits		
Withdrawals		
Balance		**40,022,430.35**
LOCAL AGENCY INVESTMENT FUND: City of Hemet		
Deposits		
Withdrawals		
Balance		**1,870.36**
BANK OF NEW YORK MELLON Custodial Acct.		
Deposits	523,438.83	
Withdrawals	-286,013.66	
Balance		**1,660,378.98**
CITIBANK: Money Market Account		
Deposits	54,770.37	
Withdrawals		
Balance		**6,485,979.32**
CITIBANK: Money Market Account 3		
Deposits	771,869.23	
Withdrawals	-800,000.00	
Balance		**11,257,930.02**
MUNICIPAL BONDS		
Deposits		
Withdrawals		
Balance		**3,140,000.00**
GOVERNMENT AGENCIES		
2209 2.00% FNMA 5/28/15		**500,000.00**
2229 2.125% FNMA 7/22/16		**500,000.00**
2234 1.0% FNMA 10/26/16		**500,000.00**
2236 1.50% FNMA 11/23/16		**500,000.00**
2238 1.2% FNMA 3/8/17		**500,000.00**
2239 1.0% FNMA 3/13/17		**500,000.00**
2240 1.10% FNMA 3/20/17		**500,000.00**
2241 1.0% FNMA 3/21/17		**500,000.00**
2242 1.25% FFCB 3/8/17		**500,000.00**
2243 1.3% FFCB 3/20/17		**500,000.00**
2244 1.35% FNMA 3/28/17	-500,000.00	
2245 1.44% FHLB 4/5/17		**500,000.00**
2248 1.14% FFCB 5/15/17		**500,000.00**
2249 1.20% FNMA 5/16/17		**500,000.00**
2250 1.15% FHLB 5/30/17		**500,000.00**
2251 1.05% FNMA 6/27/17		**500,000.00**
2252 1.0% FNMA 8/21/17		**500,000.00**
PORTFOLIO BALANCE AS OF SEPTEMBER 2012	**75,676,589.03**	**75,676,589.03**

INTEREST EARNINGS	12-13 FISCAL YEAR-TO-DATE	
EARNINGS BALANCE AS OF September 1, 2012		**-24,494.90**
CERTIFICATES OF DEPOSIT INT.	11,197.05	
OTHER GOVERNMENT SECURITIES	41,075.00	
CITIBANK MONEY MARKET ACCOUNT	1,059.40	
CITIBANK MONEY MARKET ACCOUNT 3	1,779.33	
BANK OF NY MONEY MARKET ACCT.	14.83	
LOCAL AGENCY INVESTMENT FUNDS		
City of Hemet Interest		
City of Hemet Interest		
MONTHLY EARNINGS TOTAL	55,125.61	55,125.61
MEMO ONLY:		
MERCHANT BANK CHG.	-2,904.42	
LIBRARY CREDIT CARD FEES	-81.55	
ARMORED CAR	-351.05	
ASSET SEIZURE FUNDS		
Charges as of: Sept. 1, 2012	-3,226.30	
YTD CHARGES	-6,563.32	
12-13 YEAR-TO-DATE INTEREST EARNINGS		**30,630.71**

CITY OF HEMET
Portfolio Management
Portfolio Summary
September 30, 2012

Investments	Par Value	Market Value	Book Value	% of Portfolio	Term	Days to Maturity	YTM 360 Equiv.	YTM 365 Equiv.
Certificates of Deposit - Bank	3,369,000.00	3,442,095.97	3,369,000.00	4.45	1,365	813	1.599	1.621
Managed Pool Accounts	40,024,300.71	40,024,300.71	40,024,300.71	52.88	1	1	0.375	0.380
Passbook/Checking Accounts	19,404,288.32	19,404,288.32	19,404,288.32	25.64	1	1	0.406	0.411
Local Government Bonds	3,140,000.00	3,307,726.00	3,145,952.43	4.16	1,641	994	4.364	4.425
Federal Agency Issues - Coupon	8,000,000.00	8,036,930.00	8,000,000.00	10.57	1,826	1,585	1.261	1.278
Negotiable CDs	1,739,000.00	1,784,799.30	1,739,000.00	2.30	1,618	1,430	1.415	1.434
Investments	**75,676,589.03**	**76,000,140.30**	**75,682,541.46**	**100.00%**	**360**	**279**	**0.721**	**0.731**
Cash and Accrued Interest								
Accrued Interest at Purchase		6,270.83	6,270.83					
Subtotal		6,270.83	6,270.83					
Total Cash and Investments	**75,676,589.03**	**76,006,411.13**	**75,688,812.29**		**360**	**279**	**0.721**	**0.731**

Total Earnings	September 30 Month Ending	Fiscal Year To Date
Current Year	41,548.91	125,531.69
Average Daily Balance	**75,264,968.94**	
Effective Rate of Return	**0.67%**	

JUDITH L. OLTMAN, TREASURER

Reporting period 09/01/2012-09/30/2012

Run Date: 12/10/2012 - 14:37

Portfolio COFH
AP
PM (PRF_PM1) SymRept 6.41.202b
Report Ver. 5.00

CITY OF HEMET
Portfolio Management
Portfolio Details - Investments
September 30, 2012

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	Moody's	YTM 365	Days to Maturity	Maturity Date
Certificates of Deposit - Bank												
SYS3124	3124	Ally Bank		07/30/2010	247,000.00	261,196.18	247,000.00	2.450		2.450	1,032	07/30/2015
SYS3138	3138	AMERICAN EXPRESS CENTURIAN		08/25/2011	248,000.00	251,592.65	248,000.00	1.150		1.150	693	08/25/2014
06740KEX1	3146	BARCLAYS BANK DE		12/07/2011	247,000.00	260,237.45	247,000.00	1.900		1.900	1,528	12/07/2016
SYS3130	3130	BMW BANK OF NORTH AMERICA, UT		10/22/2010	248,000.00	254,068.04	248,000.00	1.550		1.550	751	10/22/2014
SYS3128	3128	BANK OF HEMET		09/06/2010	247,000.00	247,000.00	247,000.00	1.600		1.600	340	09/06/2013
SYS3144	3144	BANK OF THE WEST		10/12/2011	249,000.00	260,699.94	249,000.00	1.750		1.750	1,472	10/12/2016
SYS3129	3129	BANK OF HEMET		09/06/2010	247,000.00	247,000.00	247,000.00	1.600		1.600	340	09/06/2013
SYS3136	3136	CIT BANK		08/24/2011	247,000.00	258,961.17	247,000.00	1.800		1.800	1,423	08/24/2016
SYS3122	3122	COMMUNITY COMMERCE BANK		06/20/2010	99,000.00	99,000.00	99,000.00	2.200		2.231	262	06/20/2013
SYS3123	3123	COMMUNITY COMMERCE BANK		06/20/2010	99,000.00	99,000.00	99,000.00	2.200		2.231	262	06/20/2013
SYS3142	3142	COMPASS BANK		09/14/2011	248,000.00	248,000.00	248,000.00	0.850		0.850	350	09/16/2013
SYS3134	3134	DISCOVER BANK		08/24/2011	248,000.00	248,000.00	248,000.00	1.050		1.050	693	08/25/2014
36160WVR7	3132	G.E. Capital Financial, Inc.		08/12/2011	247,000.00	259,340.54	247,000.00	1.850		1.850	1,411	08/12/2016
SYS3140	3140	GOLDMAN SACHS		08/31/2011	248,000.00	248,000.00	248,000.00	1.200		1.200	701	09/02/2014
SYS3120	3120	RABOBANK		02/26/2010	100,000.00	100,000.00	100,000.00	1.900		1.900	148	02/26/2013
SYS3121	3121	RABOBANK		02/26/2010	100,000.00	100,000.00	100,000.00	1.900		1.900	148	02/26/2013
		Subtotal and Average	**3,369,000.00**		**3,369,000.00**	**3,442,095.97**	**3,369,000.00**			**1.621**	**813**	
Managed Pool Accounts												
SYS1001	1001	LOCAL AGENCY INVESTMENT FUND			40,022,430.35	40,022,430.35	40,022,430.35	0.380		0.380	1	
SYS1002	1002	LOCAL AGENCY INVEST. FUND RDA			1,870.36	1,870.36	1,870.36	0.380		0.380	1	
		Subtotal and Average	**40,024,300.71**		**40,024,300.71**	**40,024,300.71**	**40,024,300.71**			**0.380**	**1**	
Passbook/Checking Accounts												
SYS5009	5009	BANK OF NEW YORK			1,660,378.98	1,660,378.98	1,660,378.98			0.000	1	
SYS5001	5001	Citibank			6,485,979.32	6,485,979.32	6,485,979.32	0.450		0.450	1	
SYS5003	5003	CITIBANK			0.00	0.00	0.00	3.050		3.050	1	
SYS5004	5004	CITIBANK3			11,257,930.02	11,257,930.02	11,257,930.02	0.450		0.450	1	
SYS5002	5002	UNION BANK OF CALIFORNIA		07/01/2012	0.00	0.00	0.00	0.012		0.012	1	
		Subtotal and Average	**18,752,411.93**		**19,404,288.32**	**19,404,288.32**	**19,404,288.32**			**0.411**	**1**	
Local Government Bonds												
423542KL2	5006	HEMET UNIFIED SCHOOL DISTRICT		07/22/2010	2,000,000.00	2,123,600.00	1,988,870.15	5.375		5.609	1,003	07/01/2015
509896AC0	5007	Lake Hemet Municipal Water Dis		10/07/2010	140,000.00	141,526.00	141,077.20	3.000		2.153	344	09/10/2013
533020DC4	5008	CITY OF LINCOLN		11/03/2011	1,000,000.00	1,042,600.00	1,016,005.08	3.000		2.423	1,066	09/02/2015

CITY OF HEMET
Portfolio Management
Portfolio Details - Investments
September 30, 2012

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	Moody's	YTM 365	Days to Maturity	Maturity Date
		Subtotal and Average	**3,146,056.30**		**3,140,000.00**	**3,307,726.00**	**3,145,952.43**			**4.425**	**994**	
Federal Agency Issues - Coupon												
3133EAGH5	2242	FEDERAL FARM CREDIT BANKS		03/08/2012	500,000.00	502,570.00	500,000.00	1.250		1.250	1,619	03/08/2017
3133EAHZ4	2243	FEDERAL FARM CREDIT BANKS		03/20/2012	500,000.00	503,035.00	500,000.00	1.300		1.300	1,631	03/20/2017
3133EAQN1	2248	FEDERAL FARM CREDIT BANKS		05/15/2012	500,000.00	502,355.00	500,000.00	1.140		1.140	1,687	05/15/2017
313378QG9	2245	FEDERAL HOME LOAN BANK		04/05/2012	500,000.00	500,070.00	500,000.00	1.440		1.440	1,647	04/05/2017
313379FN4	2250	FEDERAL HOME LOAN BANK		05/30/2012	500,000.00	500,455.00	500,000.00	1.150		1.150	1,702	05/30/2017
3136FMTY0	2209	FEDERAL NTL MORTGAGE ASSOC.		05/28/2010	500,000.00	501,365.00	500,000.00	2.000		2.000	969	05/28/2015
3136FRB44	2229	FEDERAL NTL MORTGAGE ASSOC.		07/22/2011	500,000.00	506,865.00	500,000.00	2.125		2.125	1,390	07/22/2016
3136FTCL1	2234	FEDERAL NTL MORTGAGE ASSOC.		10/26/2011	500,000.00	500,245.00	500,000.00	1.000		1.000	1,486	10/26/2016
3136FTKM0	2236	FEDERAL NTL MORTGAGE ASSOC.		11/23/2011	500,000.00	500,995.00	500,000.00	1.500		1.500	1,514	11/23/2016
3135G0HM8	2238	FEDERAL NTL MORTGAGE ASSOC.		03/08/2012	500,000.00	502,070.00	500,000.00	1.200		1.200	1,619	03/08/2017
3136FTZ77	2239	FEDERAL NTL MORTGAGE ASSOC.		03/13/2012	500,000.00	502,310.00	500,000.00	1.000		1.000	1,624	03/13/2017
3136FT2K4	2240	FEDERAL NTL MORTGAGE ASSOC.		03/20/2012	500,000.00	501,070.00	500,000.00	1.100		1.100	1,631	03/20/2017
3136FT2C2	2241	FEDERAL NTL MORTGAGE ASSOC.		03/21/2012	500,000.00	502,355.00	500,000.00	1.000		1.000	1,632	03/21/2017
3136G0GA3	2249	FEDERAL NTL MORTGAGE ASSOC.		05/16/2012	500,000.00	505,825.00	500,000.00	1.200		1.200	1,688	05/16/2017
3136G0NY3	2251	FEDERAL NTL MORTGAGE ASSOC.		06/27/2012	500,000.00	503,820.00	500,000.00	1.050		1.050	1,730	06/27/2017
3135G0NF6	2252	FEDERAL NTL MORTGAGE ASSOC.		08/21/2012	500,000.00	501,525.00	500,000.00	1.000		1.000	1,785	08/21/2017
		Subtotal and Average	**8,450,000.00**		**8,000,000.00**	**8,036,930.00**	**8,000,000.00**			**1.278**	**1,585**	
Negotiable CDs												
856284-E3-4	3147	BANK OF INDIA NEW YORK		04/27/2012	248,000.00	262,881.84	248,000.00	2.000		2.000	1,669	04/27/2017
106895AY1	3161	BREMER BANK GRAND FORKS, MN		06/22/2012	249,000.00	254,684.77	249,000.00	1.200		1.217	1,725	06/22/2017
10700QBC7	3160	BREMER BANK OF MOORHEAD ND		06/22/2012	249,000.00	254,684.77	249,000.00	1.200		1.217	1,725	06/22/2017
107003AK1	3162	BREMER BANK NA		06/28/2012	249,000.00	254,704.19	249,000.00	1.200		1.217	1,731	06/28/2017
36159CRZ1	3126	GE Money Bank		07/30/2010	247,000.00	260,843.73	247,000.00	2.400		2.400	1,032	07/30/2015
7865803L2	3164	SAFRA NATIONAL BANK		09/27/2012	249,000.00	249,000.00	249,000.00	0.800		0.800	1,092	09/28/2015
795450NR2	3163	SALLIE MAE		07/25/2012	248,000.00	248,000.00	248,000.00	1.200		1.200	1,029	07/27/2015
		Subtotal and Average	**1,523,200.00**		**1,739,000.00**	**1,784,799.30**	**1,739,000.00**			**1.434**	**1,430**	
		Total and Average	**75,264,968.94**		**75,676,589.03**	**76,000,140.30**	**75,682,541.46**			**0.731**	**279**	

CITY OF HEMET
Portfolio Management
Portfolio Details - Cash
September 30, 2012

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	Moody's	YTM 365	Days to Maturity
		Average Balance	0.00	Accrued Interest at Purchase		6,270.83	6,270.83				0
				Subtotal		6,270.83	6,270.83				
	Total Cash and Investmentss		75,264,968.94		75,676,589.03	76,006,411.13	75,688,812.29			0.731	279

CITY OF HEMET
Received Interest
Sorted by Issuer
Received September 1, 2012 - September 30, 2012

Issuer	CUSIP	Investment #	Security Type	Par Value	Current Rate	Interest Date Due	Interest Date Received	Interest Amount Due	Interest Amount Received	Variance
Ally Bank	SYS3124	3124	BCD	247,000.00	2.450	07/30/2012	09/19/2012	3,025.75	3,017.46	-8.29
							Subtotal	**3,025.75**	**3,017.46**	
BANK OF HEMET	SYS3128	3128	BCD	247,000.00	1.600	09/06/2012	09/10/2012	335.65	335.65	-
							Subtotal	**335.65**	**335.65**	
BANK OF THE WEST	SYS3144	3144	BCD	249,000.00	1.750	09/12/2012	09/13/2012	370.09	370.09	-
							Subtotal	**370.09**	**370.09**	
BANK OF HEMET	SYS3129	3129	BCD	247,000.00	1.600	09/06/2012	09/10/2012	335.65	335.65	-
							Subtotal	**335.65**	**335.65**	
BREMER BANK GRAND FORKS, MN	106895AY1	3161	NC2	249,000.00	1.200	07/22/2012	09/19/2012	249.00	245.59	-3.41
	106895AY1	3161	NC2	249,000.00	1.200	09/22/2012	09/25/2012	257.30	253.78	-3.52
							Subtotal	**506.30**	**499.37**	
BREMER BANK OF MOORHEAD ND	10700QBC7	3160	NC2	249,000.00	1.200	07/22/2012	09/19/2012	249.00	245.59	-3.41
	10700QBC7	3160	NC2	249,000.00	1.200	09/22/2012	09/25/2012	257.30	253.78	-3.52
							Subtotal	**506.30**	**499.37**	
BREMER BANK NA	107003AK1	3162	NC2	249,000.00	1.200	07/28/2012	09/19/2012	249.00	245.59	-3.41
							Subtotal	**249.00**	**245.59**	
COMMUNITY COMMERCE BANK	SYS3122	3122	BCD	99,000.00	2.200	09/20/2012	09/04/2012	187.55	187.55	-
							Subtotal	**187.55**	**187.55**	
COMMUNITY COMMERCE BANK	SYS3123	3123	BCD	99,000.00	2.200	09/20/2012	09/04/2012	187.55	187.55	-
							Subtotal	**187.55**	**187.55**	
COMPASS BANK	SYS3142	3142	BCD	248,000.00	0.850	09/14/2012	09/17/2012	1,054.00	1,062.66	8.66
							Subtotal	**1,054.00**	**1,062.66**	

CITY OF HEMET
Received Interest
Received September 1, 2012 - September 30, 2012

Issuer	CUSIP	Investment #	Security Type	Par Value	Current Rate	Interest Date Due	Interest Date Received	Interest Amount Due	Interest Amount Received	Variance
FEDERAL FARM CREDIT BANKS	3133EAGH5	2242	FAC	500,000.00	1.250	09/08/2012	09/11/2012	3,125.00	3,125.00	-
	3133EANL9	2247	FAC	0.00	1.230	07/24/2012	09/19/2012	1,537.50	1,537.50	-
	3133EAHZ4	2243	FAC	500,000.00	1.300	09/20/2012	09/24/2012	3,250.00	3,250.00	-
							Subtotal	**7,912.50**	**7,912.50**	
FEDERAL NTL MORTGAGE ASSOC.	3135G0HM8	2238	FAC	500,000.00	1.200	09/08/2012	09/11/2012	3,000.00	3,000.00	-
	3136FRB44	2229	FAC	500,000.00	2.125	07/22/2012	09/19/2012	5,312.50	5,312.50	-
	3136FT2C2	2241	FAC	500,000.00	1.000	09/21/2012	09/21/2012	2,500.00	2,500.00	-
	3136FTZ77	2239	FAC	500,000.00	1.000	09/13/2012	09/24/2012	2,500.00	2,500.00	-
	3136FT2K4	2240	FAC	500,000.00	1.100	09/20/2012	09/24/2012	2,750.00	2,750.00	-
							Subtotal	**16,062.50**	**16,062.50**	
GE Money Bank	36159CRZ1	3126	NC2	247,000.00	2.400	07/30/2012	09/19/2012	2,964.00	2,955.88	-8.12
							Subtotal	**2,964.00**	**2,955.88**	
GOLDMAN SACHS	SYS3140	3140	BCD	248,000.00	1.200	08/29/2012	09/04/2012	1,488.00	1,500.23	12.23
							Subtotal	**1,488.00**	**1,500.23**	
Lake Hemet Municipal Water Dis	509896AC0	5007	NCB	140,000.00	3.000	09/10/2012	09/11/2012	2,100.00	2,100.00	-
							Subtotal	**2,100.00**	**2,100.00**	
CITY OF LINCOLN	533020DC4	5008	NCB	1,000,000.00	3.000	09/02/2012	09/05/2012	15,000.00	15,000.00	-
							Subtotal	**15,000.00**	**15,000.00**	
							Total	**52,284.84**	**52,272.05**	
							Total Cash Overpayment	**20.89**		
							Total Cash Shortfall	**-33.68**		

CITY OF HEMET
Received Interest
Received September 1, 2012 - September 30, 2012

Issuer	CUSIP	Investment #	Security Type	Par Value	Current Rate	Interest Date Received	Interest Amount Received
Cash Accounts							
BANK OF NEW YORK	SYS5009	5009	PA1	1,660,378.98		09/04/2012	14.83
						Subtotal	**14.83**
Citibank	SYS5001	5001	PA1	6,485,979.32	0.450	09/28/2012	1,059.40
						Subtotal	**1,059.40**
CITIBANK3	SYS5004	5004	PA1	11,257,930.02	0.450	09/28/2012	1,779.33
						Subtotal	**1,779.33**
						Total	**2,853.56**

Local Agency Investment Fund
P.O. Box 942809
Sacramento, CA 94209-0001
(916) 653-3001

www.treasurer.ca.gov/pmia-laif
October 16, 2012

CITY OF HEMET

CITY TREASURER
445 EAST FLORIDA AVENUE
HEMET, CA 92543-4209

PMIA Average Monthly Yields

Account Number:
98-33-362

Tran Type Definitions

September 2012 Statement

Account Summary

Total Deposit:	0.00	Beginning Balance:	40,022,430.35
Total Withdrawal:	0.00	Ending Balance:	40,022,430.35

Local Agency Investment Fund
P.O. Box 942809
Sacramento, CA 94209-0001
(916) 653-3001

www.treasurer.ca.gov/pmia-laif
October 16, 2012

TREASURER
445 EAST FLORIDA AVENUE
HEMET, CA 92543-4209

PMIA Average Monthly Yields

Account Number:
65-33-006

Tran Type Definitions

September 2012 Statement

Account Summary

Total Deposit:	0.00	Beginning Balance:	1,870.36
Total Withdrawal:	0.00	Ending Balance:	1,870.36

HEMET REDEVELOPMENT AGENCY
Cash W/Fiscal Agent: US BANK and LAIF
1999 TAX ALLOCATION BONDS/RDA

Date	Activity	98510810 496-1502 Interest Fund	98510811 Principal Fund	98510812 Sinking Fund	98510813 496-1503 Reserve Fund	98510814 Redemption Fund	98510815 390-1502 Cost of Issuance	RDA 390-1503 Acquisition Fund	TOTAL All Accounts
7/31/2012	Interest								0.00
	Interfund transfer								0.00
	Debt Service from City of Hemet								0.00
	Debt Service Payment								0.00
	BALANCE	0.00	0.00	0.00	607,178.60	0.00	0.00	0.00	607,178.60
8/31/2012	Interest								0.00
	Interfund transfer								0.00
	Debt Service from City of Hemet								0.00
	Debt Service Payment								0.00
	BALANCE	0.00	0.00	0.00	607,178.60	0.00	0.00	0.00	607,178.60
9/30/2012	Interest								0.00
	Interfund transfer	2,029.30			(2,029.30)				0.00
	Debt Service from City of Hemet	453,716.95							453,716.95
	Debt Service Payment	(455,746.25)							(455,746.25)
	BALANCE	0.00	0.00	0.00	605,149.30	0.00	0.00	(0.00)	605,149.30

First American Treas Oblig CL D Corp Tr Money Market/RDA	605,149.30
	605,149.30

HEMET REDEVELOPMENT AGENCY
Cash W/Fiscal Agent: US BANK and LAIF
2002 TAX ALLOCATION BONDS/RDA

Date	Activity	98510818 496-1504 Interest Fund	98510819 Principal Fund	Sinking Fund	98510816 496-1506 Reserve Fund	98510815 Redemption Fund	98510817 389-1502 Cost of Issuance	RDA 389-1503 Acquisition Fund	TOTAL All Accounts
7/31/2012	Interest								0.00
	Interfund transfer								0.00
	Debt Service from City of Hemet								0.00
	Debt Service Pmt								0.00
	BALANCE	0.00	0.00	0.00	477,068.90	0.00	(0.00)	0.00	477,068.90
8/31/2012	Interest								0.00
	Interfund transfer								0.00
	Debt Service from City of Hemet								0.00
	Debt Service Pmt								0.00
	BALANCE	0.00	0.00	0.00	477,068.90	0.00	(0.00)	0.00	477,068.90
9/30/2012	Interest								0.00
	Interfund transfer	1,594.45			(1,594.45)				0.00
	Debt Service from City of Hemet	296,180.56							296,180.56
	Debt Service Pmt	(297,775.01)							(297,775.01)
	BALANCE	0.00	0.00	0.00	475,474.45	0.00	(0.00)	0.00	475,474.45

First American Treas Oblig CL D Corp Tr	475,474.45
LAIF/RDA	0.00
	475,474.45

CITY OF HEMET
Cash W/Fiscal Agent US BANK
2006 Refunding Bonds Series Heartland Project

Date	Activity		103852000 788-150E Bond	103852001 788-150E Prepayment	103852002 Special	103852003 788-151C Escrow	103852004 788-1502 Cost of	103852005 788-150E Reserve	TOTAL
7/31/2012	Interest								0.00
	Transfer funds								0.00
	City of Hemet								0.00
	Debt Service								0.00
	Khov prepay (31 lots)								0.00
	Trust fees								0.00
	BALANCE	0.00	730,252.54	2,299,800.82	10,736.85	5,402,114.04	0.00	466,136.25	8,909,040.50
8/31/2012	Interest								0.00
	Transfer funds								0.00
	City of Hemet								0.00
	Debt Service								0.00
	Khov prepay (31 lots)								0.00
	Trust fees								0.00
	BALANCE	0.00	730,252.54	2,299,800.82	10,736.85	5,402,114.04	0.00	466,136.25	8,909,040.50
9/30/2012	Interest								0.00
	Transfer funds					(5,402,114.04)			(5,402,114.04)
	City of Hemet								0.00
	Debt Service		(660,923.75)						(660,923.75)
	Khov prepay (31 lots)								0.00
	Trust fees								0.00
	BALANCE	0.00	69,328.79	2,299,800.82	10,736.85	0.00	0.00	466,136.25	2,846,002.71

First American Treasury Oblig	0.00	
US Treasury Notes, various	2,846,002.71	not carried on COH books
Misc Assets	1.00	
	2,846,003.71	
Cash held by FA, net of Escrow acct	2,846,002.71	

AGENDA # 14

Staff Report

TO: Honorable Mayor and City Council

FROM: John Jansons, Director of Community Investment

DATE: January 08, 2013

RE: Special Event Funding Budget Transfer

RECOMMENDATION:
It is respectfully recommended that the City Council approve transfer of $3,000.00 from the City Produced Events to the Special Event Grant Program to provide additional funding to offset additional costs associated with Hemet Chamber of Commerce's, *Harvestfest* and Hemet Farmers Market Productions, *Hometown Christmas*.

BACKGROUND:
In August of 2012, the City Council approved a funding recommendation by the Council sub-committee on special events, to provide $1,200 for the Hemet Chamber of Commerce, *Harvestfest* and $1,000 for HFM Productions, *Hometown Christmas* to pay for City in-kind contributions of permitting, inspection, set-up and facilitation of these events.

DISCUSSION:
In both cases, the services required by both organizations for each event, exceed the grant awarded by the City to cover the costs of actual permitting, inspection, set-up and facilitation of these events. In order to facilitate and not resort to cancelation, the city provided the necessary extra support to ensure the success of these events for the community and now requests use of residual funds budgeted for the Christmas Parade and Veteran's day event to cover the costs incurred by various city departments to assist in supporting the *HarvestFest* and *Hometown Christmas*.

The new special event policy has in large part been successful in assisting community groups and organizations in delivering positive events to the community and has aided the City in streamlining its budgeting and administration functions associated with sponsoring community events.

In the case of events by the Hemet Chamber of Commerce and HFM Productions, the production organizations lacked the volunteer and financial capacity to incur all that is necessary to produce the events without additional support from the city. Consideration of future sponsorships by the City must take into consideration the actual costs incurred by the City this year for their services and be reflected in the application and budget for future funding. In these cases, the events were substantially modified and expanded in the final days leading up to the event, basic elements of production were unaccounted for, and these additional

expenses were not included in the organization's budget contingency or in the City's sponsorship.

ALTERNATIVES:

1. The Council may choose to waive additional expenses associated the Harvestfest and Hometown Christmas
2. The Council may direct staff to seek payment for additional expense from the production organizations.

FISCAL IMPACT:

Savings realized from the City produced events budget is available to offset the $3,000 requested in this report to accounts for the City's contribution to the Chamber's Harvest Fest and HFM Hometown Christmas.

COORDINATION AND REVIEW:

The recommended action has been coordinated with the Community Development Department, Administrative Services (Finance) and Public Works-Operations.

STRATEGIC PLAN AND COUNCIL GOALS INTEGRATION:

The recommended action supports the goals of improving the quality of life, downtown revitalization, and fostering heritage, health and harmony in Hemet.

CONCLUSION:

It is respectfully recommends that the City Council approve transfer of $3,000.00 from the City produced events to the Special Event Grant Program to provide additional funding to offset costs for City services associated with Hemet Chamber of Commerce's, *Harvestfest* and Hemet Farmer's Market Productions', *Hometown Christmas*.

Recommended By:

John Jansons
Community Investment Director

Approved By:

Ronald E. Bradley
Interim City Manager

AGENDA # 15

Staff Report

TO: Honorable Mayor and Members of the Hemet City Council

FROM: Ronald E. Bradley, Interim City Manager
Deanna Elliano, Community Development Director ER for

DATE: January 8, 2013

RE: ZONING ORDINANCE AMENDMENT (ZOA) NO. 12-005 (Alcoholic Beverage Sale Regulations)

RECOMMENDED ACTION:

That the City Council:

1. *Introduce and read by title only, and waive further reading of Ordinance Bill No. 13-001 amending Chapter 90, Article III of the Hemet Municipal Code regarding the establishment of alcoholic beverage sales regulations; and,*
2. *Direct staff to file a Notice of Exemption with the County Clerk in compliance with the California Environmental Quality Act.*

BACKGROUND:

On December 4, 2012, the Planning Commission adopted PC Resolution 12-020 (PC Resolution Bill No. 12-023) recommending that the City Council approve the draft ordinance proposed under ZOA 12-005. The proposed ordinance is one of a collection of new ordinances and programs created as part of the Hemet ROCS - Restoring Our Community Strategy effort. The Hemet ROCS Executive Committee had identified a need to adopt standards for alcoholic beverage sales as one of the original 19 ordinances to be accomplished under the Hemet ROCS program. To that end, Planning Division staff has been working with the City Attorney's office to research other jurisdictions' regulations and procedures regarding alcoholic beverage sales and to update the City's Zoning Code to address community concerns. The draft ordinance (included in this report as Attachment 1), has been reviewed by the Hemet ROCS Citizen Advisory Committee (CAC) and the Planning Commission, and was unanimously recommended for approval to the City Council by both advisory bodies.

The need for the ordinance was spurred by the fact that at present, alcohol sales are largely unregulated in the City of Hemet, with many uses permitting the sale of alcoholic beverages by right. Under the existing zoning rules, an Administrative Use Permit is required for retailers having earlier or later hours (with or without the sale of alcohol); and some more intense uses such as bars and nightclubs are allowed subject to a Conditional Use Permit (CUP). Contrary to most of the surrounding jurisdictions, the City of Hemet Municipal Code does not currently contain any locational requirements for alcoholic beverage sales, such as separation from schools or parks, nor are there required findings by which to evaluate whether or not a CUP can be supported for the more intense uses.

In addition, more than half of the census tracts within the City of Hemet are considered by the California Department of Alcohol Beverage Control (ABC) to be "over-concentrated" with alcoholic beverage licenses, based on a ratio of one (1) general license (on-sale and off-sale) to each 1,250 population. All of the census tracts that are not currently deemed to be over-concentrated are zoned mostly or entirely for residential purposes. Currently there are 72 active "on-sale" licenses (consumption of alcohol on-site) in the city limits and an additional 13 are located outside of Hemet but within Hemet census tracts. There are 61 active "off-sale" licenses (carry out alcohol sales) in the City and an additional 20 outside of the city limits. Attachment No. 3 provides a map of the census tracts and a table that identifies the current status of alcoholic beverage licenses issued by ABC for each census tract located, or partially located, within the City of Hemet.

As can be seen in Attachment No. 3, the combined number of licenses issued within Hemet census tracts exceeds the threshold established by ABC by a ratio of 2:1. When a Census Tract has an undue concentration, the City is notified and asked to make a finding of Public Convenience or Necessity (PCN) before ABC will rule on issuing an alcohol license. This concept is important because the City currently has no formal process for making PCN findings and generally defaults to ABC to make a ruling, although the City has asked for special conditions to be added in some cases. Under the current process, even if the city does object, ABC makes the final determination. The proposed Ordinance addresses this issue and outlines the process for the City to make such findings.

Staff believes that the proposed Ordinance achieves the goal of providing a greater level of local control over alcoholic beverage sales without being overly regulatory or discouraging responsible business operators.

PROPOSED ORDINANCE DESCRIPTION:

The text of the proposed ordinance is included as Attachment No. 1 to this staff report. The ordinance sets forth the following provisions as part of the City's zoning code, which is Chapter 90 of the Hemet Municipal Code:

1. Sets forth definitions for: the California Department of Alcohol Beverage Control; Alcoholic Beverage; Off-sale; On-sale; and PCN Determination, (finding of Public Convenience or Necessity).

2. Requires a Conditional Use Permit (CUP) to be approved by the Planning Commission for all alcohol related uses not exempted by the provisions of this Ordinance. A CUP is also required when alcohol licenses are transferred to another premise, the license is upgraded to another classification, there are changes in the operational conditions related to alcohol sales or service, or ABC has previously suspended or revoked the license.

3. Sets forth exemptions from the requirement to obtain a CUP, including bona-fide restaurants, grocery stores with a minimum of 25,000 sq ft. and having less than 5% of their floor area devoted to alcohol sales, and florist or gift shops with incidental wine sales as a part of gift baskets.

4. Establishes findings and separation requirements that must be made prior to issuance of a CUP, unless the Commission finds unique circumstances that would allow for modifications to the separation distances. The required findings are as follows:
    a. *The use is located at least 600 feet, as measured from property line to property*

line, from any existing public or private schools (K through 12), public parks, or places of worship;

b. *The use is located at least 100 feet, as measured from property line to property line, from existing residential uses or land that is zoned for residential uses*
c. *The use is located at least 1000 feet, as measured from property line to property line, from existing parolee-probationer homes, emergency shelters, supportive housing, or transitional housing.*
d. *The use is fully visible from a public street with an unobstructed view from the public street for public safety.*
e. *The proposed use will not be detrimental to surrounding properties and neighborhoods including ensuring that the use does not contribute to loitering, public drunkenness, noise, obstructing pedestrian and vehicular traffic, parking, crime, interference with pedestrian corridors used by children, defacement and damage to structures.*
f. *The proposed use will not adversely impact the suitability of adjacent commercially zoned properties for commercial uses.*

5. Establishes operational standards that must be met for all on-sale and off-sale uses, whether or not a CUP is required. These standards include rules regarding public consumption, open containers, loitering, lighting, security/surveillance, graffiti removal, displays and signs, litter removal, ABC training, and the ability of the Planning Commission to require additional Conditions of Approval as warranted.

6. Establishes a process for making findings of public convenience or necessity when requested by ABC.

7. Amends the Land Use Matrices in applicable sections of the Zoning Code for alcohol related uses as shown in Exhibit "B" of the attached draft Ordinance.

At the Planning Commission Work Study held on October 16, 2012, Commissioners agreed that more local control would be beneficial, but cautioned staff not to be overly regulatory to the point that Hemet would be more restrictive than the adjoining jurisdictions of Riverside County and the City of San Jacinto. The draft ordinance includes a review process, locational standards, and findings which complement those of the neighboring communities and will provide City Staff and the Planning Commission with an effective method to assess any new proposed applications on a case-by-case basis. In preparation of the ordinance, staff had reviewed the regulations and separation standards from surrounding communities for comparison purposes. The results of this research is provided in Attachments 4 and 5 to this report.

The Planning Commission has recommended adoption of the proposed ordinance to further insure the safety and quality of life for Hemet's citizens, and to better respond to some of the anticipated challenges presented by these types of uses in commercial zones. Implementation of the ordinance will place more local control and influence over the issuance of new alcoholic beverage licenses issued in the City, and will implement more stringent requirements commensurate with other jurisdictions for the future location of points of sale.

COORDINATION, PUBLIC OUTREACH AND REVIEW

The text of the proposed ordinance was developed by the City Attorney's office in conjunction with input from the Planning Division staff, the Planning Commission, and the Hemet ROCS Citizen Advisory Committee (CAC). At the September 27, 2012 Hemet ROCS CAC meeting, staff

provided an overview of the City's existing regulations as well as potential changes to the zoning ordinance to address this issue. Generally the CAC felt that more local control was desirable for the regulation of alcohol sales, including the need for separation requirements. At their meeting of November 29, 2012, staff provided an overview of the draft ordinance provisions to the CAC, who then indicated their support for the ordinance and recommended its adoption to the Planning Commission and the City Council.

The Planning Commission initially reviewed conceptual provisions of the ordinance at a Work Study held on October 16, 2012 and directed staff to keep the regulations in general alignment with the neighboring jurisdictions of San Jacinto and Riverside County. Following the public hearing on December 4, 2012, the Planning Commission recommended approval of the proposed Ordinance to the City Council. No member of the public spoke at the public hearing for the ordinance, and to date, staff has not received any further public comments on the draft ordinance.

CONSISTENCY WITH ADOPTED GOALS, PLANS, AND PROGRAMS:

The proposed ordinance is in conformance with the adopted 2030 General Plan for the City, in that the Ordinance is in conformance with a fundamental objective of the City's general plan and residential zoning program to "foster a healthy community through land use and urban design practices that support healthy and sustainable lifestyles", (Land Use Goal LU-15). In particular, the proposed ordinance implements the following **General Plan Land Use Policy No. 15.5** *"**Unhealthy Development Patterns:** To create, update, and enforce regulations and laws pertaining to the location, retailing, and use of unhealthy substances such as tobacco, marijuana and other drugs, and alcohol."*

FISCAL IMPACT:

No direct fiscal impacts are anticipated resulting from the adoption of the proposed Ordinance. Costs associated with staff time involved in the review and processing of future requests for alcoholic beverage sales will be recovered in conjunction with the application fees paid by the requesting establishment.

Respectfully submitted,

for

Deanna Ellano
Community Development Director

Attachment(s):

1. Proposed City Council Ordinance Bill No. 13-001
2. Planning Commission Resolution No. 12-020 recommending City Council adoption of Ordinance Bill No. 13-001
3. Census Tract Map and Table of Alcoholic Beverage Licenses issued for Hemet and the Surrounding Area
4. Separation Standards Comparison with Surrounding Cities
5. Land Use Comparison with Surrounding Cities

Attachment No. 1

Ordinance Bill No. 13-001

City Council
January 8, 2013

CITY OF HEMET
Hemet, California
ORDINANCE BILL NO. 13-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA, ADDING A NEW SECTION 90-90 (ALCOHOL SALES) TO ARTICLE III (SPECIAL USES AND CONDITIONS) OF CHAPTER 90 (ZONING) OF THE HEMET MUNICIPAL CODE, AND AMENDING LISTS OF PERMITTED USES IN SECTIONS 90-892, 90-932 AND 90-1042, AN ELEMENT OF THE HEMET RESTORING OUR COMMUNITY STRATEGY (HEMET ROCS) PROGRAM.

WHEREAS, research shows that areas with greater densities of on-site and off-site alcohol outlets also generally have higher rates of motor vehicle crashes, alcohol-related hospital admissions, pedestrian injury collisions, self-reported injury and drinking and driving among both young people and adults; and

WHEREAS, the relationship between alcohol outlet density and violent crime has been well documented; communities with 100 or more alcohol outlets and a population of 50,000 or more can expect an annual increase of 2.5 violent crimes each year for every alcohol outlet added in the area; and

WHEREAS, drunk driving arrests often take place at night, as bars are closing and highways become crowded with patrons who have been drinking; and

WHEREAS, nuisance and criminal activities such as drug dealing, public drunkenness, loitering and other behaviors that negatively impact neighborhoods occur with disproportionate frequency at and around the premises of on-site and off-site alcohol uses; and

WHEREAS, neighborhood character can change over time and the careful regulation of nuisance activity by on-site and off-site alcohol uses will help to ensure that such uses do not contribute to the deterioration of neighborhoods; and

WHEREAS, statistics gathered from the California Department of Alcohol Beverage Control indicates that there are presently 133 active retail licenses for the sale of alcoholic beverages within the City of Hemet, and 166 active retail licenses when considering the Census Tracts that extend beyond the City's corporate boundaries; and

WHEREAS, California law does not preempt local land use decisions with regard to alcoholic beverage sale regulations and the authority to regulate nuisance conditions created by state-licensed alcoholic beverage retailers derives solely from the City's general police powers; and,

WHEREAS, on September 27, 2012, the Hemet ROCS Citizens Advisory Committee discussed the issue of regulation of businesses that sell alcohol and considered preliminary recommendations on the elements of a potential ordinance establishing permit requirements for businesses that sell alcohol and operational standards; and,

WHEREAS, the Hemet Planning Commission conducted a work-study at its October 16, 2012, meeting on the regulation of businesses that sell alcohol and provided direction to staff regarding how to amend the City's Zoning Code to address the concerns raised by businesses that sell alcohol; and,

WHEREAS, on December 4, 2012, the Planning Commission was presented with a draft of this Ordinance Bill 13-001 and, after conducting a duly noticed public hearing, voted to recommend that the City Council approve Ordinance Bill 13-001.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HEMET DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: ADDITION OF SECTION 90-90.

A new Section 90-90 is added to the Hemet Municipal Code, and shall read as shown in Exhibit "A" hereto.

SECTION 2: AMENDMENT OF SECTIONS 90-892, 90-932, AND 90-1042

Sections 90-892, 90-932, and 90-1042 are amended as shown in Exhibit "B" hereto.

SECTION 3: CEQA FINDINGS.

This Ordinance is exempt from the California Environmental Quality Act ("CEQA") under CEQA Guideline 15061(b)(3) because it can be said with certainty that there is no possibility the proposed Ordinance may have a significant effect on the environment. The proposed Ordinance requires certain uses that engage in on-sale or off-sale of alcoholic beverages to obtain a permit prior to commencing the use. It does not approve any particular use, and any such use will undergo CEQA review prior to the issuance of the permit.

SECTION 4: SEVERABILITY.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections,

subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5: EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days from its passage by the City Council of the City of Hemet.

SECTION 6: PUBLICATION.

The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and pasting procedure authorized under Government Code Section 39633(c).

INTRODUCED at the regular meeting of the Hemet City Council on _____ 2013.

APPROVED AND ADOPTED this ___ day of _____ 2013.

_____

Robert Youssef, Mayor

ATTEST:

_____

Sarah McComas, City Clerk

APPROVED AS TO FORM:

_____

Eric S. Vail, City Attorney

RIV #4825-7812-0209 v2
11/26/12
RIV #4810-8287-7458 v1
I:\COMMON\PLAN\Projects\ZOA FILES\2012\ZOA-12-005 (Alcoholic Beverage Sales Regulations)\CC 01-08-2013\CC Ordinance Bill No. 13-001.doc

State of California)
County of Riverside)
City of Hemet)

I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the foregoing Ordinance was introduced and first read on the ___ day of _____ 2013, and had its second reading at the regular meeting of the Hemet City Council on the ___ day of _____, 2013, and was passed by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
Sarah McComas, City Clerk

EXHIBIT "A"

90-90. – Alcohol Sales

(a) *Purpose*

The purpose of this Section is to establish standards for businesses engaged in the sale of alcoholic beverages to protect the health, safety, and general welfare of the residents of the City. This Section regulates businesses engaged in the sale of alcoholic beverages to ensure compatibility of such uses with surrounding uses and properties and to avoid impacts associated with such uses.

(b) *Definitions*

(1) *"ABC" or* the "California Department of Alcoholic Beverage Control" means the department of the State of California empowered to act pursuant to Article 20, section 22, of the California Constitution and authorized to administer the provisions of the Alcoholic Beverages Control Act.

(2) *Alcoholic Beverage* means alcohol, spirits, wine, beer, liquor, and any solid or liquid containing alcohol, spirits, wine, or beer, that contains one-half of one percent or more of alcohol by volume and that is fit for beverage purposes either alone or when diluted, mixed or combined with other substances, the sale of which requires an ABC license.

(3) *Director* means the Community Development Director.

(4) *Off-sale* means the sale of alcoholic beverages for off-site consumption.

(5) *On-sale* means the sale of alcoholic beverages for consumption on-site.

(6) *PCN Determination* means a determination made upon ABC request that the public convenience or necessity would or would not be served by the issuance of a proposed ABC license.

(c) *Permit Required.* Except as provided in subsection (e) of this Section, any use that proposes to engage in the on-sale or off-sale of alcoholic beverages must first obtain a Conditional Use Permit as provided in this Section. In addition, a Conditional Use Permit or Modification to an existing Conditional Use Permit shall be required for the following:

(1) Any change in the type of an existing ABC license (e.g., an upgrade from beer and wine to sale of spirits, etc.), including changes in hours of operation or addition of live entertainment.

(2) A premise-to-premise transfer of an existing ABC license.

(3) Any ABC licensed establishment that has its license revoked, suspended, or surrenders its license to ABC or discontinues use of the license for 30 days or has its Conditional Use Permit revoked or vacates the property, shall obtain a new Conditional Use Permit before reestablishing the use.

(d) *Conflicting Provisions*

In the event that the type of permit required for a proposed use under this Section differs from the type of permit required by any other provision of this Chapter, the more restrictive permit requirement shall apply.

(e) *Exemptions*

(1) The following uses are not subject to the permit requirement in subsection (c) of this Section:

a. Restaurants that have been licensed by ABC as a "bona fide eating place" and are in compliance with the terms and conditions of their license.

b. Grocery stores with at least 25,000 square feet of floor area that devote less than five percent (5%) of their floor area to the off-sale of alcoholic beverages.

c. Florist and gift shops that include the incidental sale of wine with gift baskets or floral arrangements.

d. Retail or wholesale stores with at least 30,000 square feet of floor area that devote less than five percent (5%) of their floor area to the off-sale of alcoholic beverages.

e. Temporary uses that have obtained a Special Event Permit from the City pursuant to Section 90-73.

(2) Nothing in this subsection (e) shall be construed as exempting any use from any other permit requirement established in any other section of this Code.

(3) This Section does not apply to any activity that is not required to be licensed under the California Alcoholic Beverage Control Act.

(f) *Findings*

In addition to the findings applicable to Conditional Use Permits under Section 90-42 *et seq.*, the decision making body shall make the following supplemental findings before approving a Conditional Use Permit for a use that engages in the on-sale or off-sale of alcoholic beverages:

(1) The use complies with all of the following separation requirements. Notwithstanding the foregoing, the decision making body may issue a

Conditional Use Permit to a use that does not comply with one or more of the following separation standards if it finds that unique circumstances exist that justify non-compliance with the separation standard(s).

a. The use is located at least 600 feet, as measured from property line to property line, from any existing public or private schools (K through 12), public parks, or places of worship;

b. The use is located at least 100 feet, as measured from property line to property line, from existing residential uses or land that is zoned for residential uses.

c. The use is located at least 1000 feet, as measured from property line to property line, from existing parolee-probationer homes, emergency shelters, supportive housing, or transitional housing.

(2) The use is fully visible from a public street with an unobstructed view from the public street for public safety.

(3) The proposed use will not be detrimental to surrounding properties and neighborhoods including ensuring that the use does not contribute to loitering, public drunkenness, noise, obstructing pedestrian and vehicular traffic, parking, crime, interference with pedestrian corridors used by children, defacement and damage to structures.

(4) The proposed use will not adversely impact the suitability of adjacent commercially zoned properties for commercial uses.

(g) *Standards*

The following standards shall apply to all uses engaging in the on-sale or off-sale of alcoholic beverages, regardless of whether such use is required to obtain a Conditional Use Permit under this Section.

(1) Public Consumption. If the use engages in the off-sale of alcohol but not the on-sale of alcohol, the owner or operator shall post a sign to indicate that it is unlawful for a person to consume alcoholic beverages in a public place or where posted.

(2) Open Containers. The possession of alcoholic beverages in open containers and the consumption of alcoholic beverages are prohibited on or around the premises.

(3) Loitering. Loitering is prohibited on or around the premises of any use engaging in the dispensing or sale of alcoholic beverages and it shall be the responsibility of the owner of any such establishment to post "No Loitering" signs and actively enforce measures that preclude loitering.

(4) Lighting. The use shall maintain lighting to provide illumination for the security and safety of parking and access areas. The lighting shall be provided at a level of no less than one foot candle throughout in parking lots and access areas.

(5) Security/Surveillance. Surveillance cameras and equipment shall be installed to record all purchases and attempted purchases of alcoholic beverages in accordance with the specifications provided by the Police Department. The equipment shall be able to record a minimum of 24 hours of operation. The facility operator shall maintain the recordings for the prior 60 days.

(6) Graffiti. The owner or operator of the use shall remove or paint over any graffiti within 48 hours of the graffiti being painted or marked upon the premises.

(7) Displays & Signs. There shall be no interior displays of alcoholic beverages or signs which are clearly visible to the exterior. There shall be no exterior advertising or sign of any kind promoting or indicating the availability of alcoholic beverages. No more than 25% of the square footage of each window and glass-paneled door shall bear advertising or signs of any sort, and all advertising and signage shall be placed in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises.

(8) Litter. The owner or operator of the use shall remove litter from the premises daily, and shall keep the premises swept to prevent debris build up. Trash bins in approved enclosures shall be provided.

(9) ABC Training. The owner or operator of the use shall provide ABC approved or certified training for all employees who sell or serve alcoholic beverages within thirty (30) days of opening for business, and all new employees thereafter shall be trained within thirty (30) days of the date of their employment.

(10) Additional Conditions. In approving a Conditional Use Permit to establish a use selling alcoholic beverages, the decision making body may impose additional reasonable conditions on the use to ensure that it operates in a manner that provides adequate protection of the public health, safety, and general welfare.

(h) *Public Convenience or Necessity*

(1) When ABC requests that the City make a determination whether the public convenience or necessity (PCN) would be served by the issuance of a proposed ABC license, the provisions of this subsection shall govern.

(2) A PCN determination shall be made by the Planning Commission if the proposed use would require a Conditional Use Permit under this Section. If ABC requests a PCN determination for a use that is exempt from the permit requirement of this Section, the Director shall make the PCN determination. The Director or the Planning Commission may consult with the Chief of Police in making their determination. A noticed public hearing is not required for a PCN determination.

(3) A PCN determination shall be based on the following findings:

a. The public convenience would be served by the establishment of the proposed use.

b. The proposed use is not anticipated to be a source of nuisance behavior associated with the excessive consumption of alcoholic beverages, or the exposure of alcoholic beverages to minors.

c. The proposed use would not be detrimental to the public health, safety or welfare.

d. The proposed use would not increase the severity of existing law enforcement or public nuisance problems in the surrounding area.

e. The proposed use is consistent with the objectives, policies, general land uses, and programs of the general plan and any applicable specific plan, this Section and any applicable zoning regulations contained in this Chapter.

EXHIBIT "B"

A. The following entries in the land use matrix in Section 90-892 are amended to read as follows.

COMMERCIAL LAND USE MATRIX P=Permitted Use A=Administrative Use (AUP) C=Conditionally Permitted Use (CUP)						
Zone		**R-P**	**O-P**	**C-1**	**C-2**	**C-M**
A.	**Agricultural Uses**					
1.	Kennel for dogs and/or cats (in accordance with special regulations listed in section 90-78					
	a. As an accessory use (indoor)	X	X	P	P	P
	b. As an accessory use (outdoor)	X	X	A	A	A
	c. As a primary use (indoor or outdoor)	X	X	C	C	C
2.	Nursery					
	a. Wholesale	C	C	C	C	C
	b. Retail	P	P	P	P	P
	c. Retail - Indoor only	X	X	X	X	X
B.	**Residential Uses**					
1.	Bed and breakfast	A	A	A	A	X
2.	Day care facility serving more than six clients	P	P	P	P	P
3.	Group homes and small licensed residential care facilities (see section 90-261 et seq.)					
	a. Small licensed residential care facility	P	X	X	X	X
	b. Large group home (10 or fewer residents)	C	C	X	X	X
	c. Large group home (11 or more residents)	C	C	X	X	X
	d. Small group home	A	C	X	X	X
4.	Home occupation in an existing single-family home subject to the requirements of section 90-72	P	P	P	P	P
5.	Household pets in an existing single-family home including, but not limited to, dogs, pot belly pigs, and cats when on the site of an existing residential unit subject to the requirements of section 90-77	P	P	P	P	P
6.	Mixed use, an integrated mix of residential and nonresidential uses on a single site	X	X	C	C	X
7.	Mobile home park, recreational vehicle park, or travel trailer park	X	X	X	X	C
8	Multiple-family residence subject to the requirements of the R-3 zone development standards	C	X	X	X	X
9	Rented room, a maximum of one room, within an existing single-family dwelling	P	P	P	P	P

10.	Single-family residence (existing only) including manufactured housing, prefabricated housing, and mobile homes built after 1986 when installed on permanent foundations and subject to the requirements of subsection 90-315(a)	P	P	P	P	P
C.	**Commercial Uses**					
1.	Adult business as defined in section 90-18 and subject to the requirements of section 90-4.1	X	X	C	C	C
2.	Alcohol Sales					
	a. In conjunction with an exempt land use per Section 90-90(e)	P	P	P	P	P
	b. All other on-sale and off-sale alcohol sales	C	C	C	C	C
3.	Arcade, video or internet	X	X	A	A	A
4.	Automotive, motorcycle, and marine vehicle services including, but not limited to, parts and equipment sales (including tires) with or without installation, engine and transmission maintenance and repair, smog certification, and window tinting installation	X	X	X	C	C
5.	Automotive, motorcycle, and marine vehicle body and/or paint shop	X	X	X	C	C
6.	Automotive, motorcycle, and marine vehicle sales					
	a. Without outdoor display	X	X	X	A	A
	b. With outdoor display	X	X	X	C	C
7.	Automotive, motorcycle, and marine vehicle rental					
	a. Without outdoor display	X	X	X	A	A
	b. With outdoor display	X	X	X	C	C
8.	Automotive, motorcycle, and marine vehicle wash facility					
	a. Self service	X	X	X	A	A
	b. Full service	X	X	X	C	C
9.	Bakery, with or without on-site sales	X	X	P	P	P
10.	Bank, savings and loan, credit unions	P	P	P	P	P
11.	Bar, nightclub, and dance hall					
	a. With on-site sale of alcoholic beverage	X	X	X	C	C
	b. With on-site live entertainment or dancing	X	X	X	C	C
2.	Barber and/or beauty shop	P	P	P	P	P
13.	Big box retailer, >80,000 sf of gross floor area including outdoor display area	X	X	X	C	C
4.	Boarding house	C	C	X	X	X
15.	Cemetery and/or mortuary					

	a. Cemetery without mortuary or crematorium	C	C	C	C	C
	b. Cemetery with mortuary	C	C	C	C	C
	c. Cemetery with crematorium	X	X	X	C	C
	d. Mortuary without cemetery	X	X	X	C	C
	e. Crematorium without cemetery	X	X	X	C	C
16.	Communication services without assembly or manufacturing	X	X	C	C	C
17.	Convenience Store					
	a. Without Alcohol Sales	X	A	A	A	A
	b. With Alcohol Sales	X	C	C	C	C
18.	Drive-through or drive-in facility including, but not limited to, dry cleaners, fast food restaurants, and pharmacies	X	X	C	C	C
19.	Department store	X	X	P	P	P
20.	Equipment rental including, but not limited to, moving and construction vehicles and equipment	X	X	X	C	C
21.	Flower or produce stand					
	a. Permanent	X	X	A	A	A
	b. Nonpermanent as a temporary use subject to section 90-73	X	X	P	P	P
22.	Fortune telling	X	X	C	C	C
23.	Gasoline station including self service or full service facilities					
	a. As a primary use (offered for sale) on the site subject to the regulations listed in section 90-897(b). All vehicle fuel storage tanks shall be underground. Aboveground propane, natural, and other similar fuel gas tanks may be permitted when setback at least 50 feet from the public right-of-way, installed in accordance with the Uniform Fire Code, applicable state and federal laws, and screened in accordance with subsection 90-895(10)	X	X	C	C	C
	b. Gasoline pumps as an accessory use and where fuel is not offered for sale	X	X	A	A	A
	c. With mini-mart but without sale of alcohol	X	A	A	A	A
	d. With mini-mart and sale of alcohol	X	C	C	C	C
24.	Graphics production	P	P	P	P	P
25.	Grocery stores and bulk food outlets	X	A	A	A	A
26.	Hotel or motel	C	C	C	C	C
27.	Liquor Store	X	X	X	C	C
28.	Manufactured home sales with and without on-site	X	X	X	C	C

	display of models and inventory					
29.	Medical and/or dental laboratory	A	A	A	A	A
30.	Medical urgent care facilities					
	a. Open within the hours of 7:00 a.m. to 9:00 p.m.	P	P	P	P	P
	b. Open outside the hours of 7:00 a.m. to 9:00 p.m.	X	C	C	C	C
30.	Mobile use including, but not limited to, car washing, book and/or video rental, blood bank, MRI					
	a. <15 days in a 90-day period (subject to a temporary use permit: see section 90-73	P	P	P	X	X
	b. >15 days in a 90-day period	C	C	C	C	C
31.	Newspaper printing	X	X	X	C	C
32.	Offices					
	a. General including, but not limited to, accounting, appraising, architects, consulting, research, insurance, legal, stockbrokerage, real estate	P	P	P	P	P
	b. Medical, dental, and optometry	P	P	P	P	P
	c. Counseling	X	P	P	P	P
33.	Parking lot - commercial	A	A	A	A	A
34.	Pharmacy					
	a. Without alcohol sales	P	P	P	P	P
	b. With alcohol sales	C	C	C	C	C
35.	Photographic studio					
	a. Excluding film processing, supplies, and retail sales.	P	P	P	P	P
	b. With film processing, supplies, and retail sales.	X	X	P	P	P
6.	Radio station, AM and/or FM (without antennae)	X	X	X	C	C
7.	Recording studio	X	C	X	C	C
38.	Recycling facility					
	a. Non-permanent collection center as a temporary use subject to the requirements of section 90-73	P	P	P	P	P
	b. Permanent collection center	C	C	C	C	C
	c. Processing center	X	X	X	X	C
39.	Restaurant (not including bars and nightclubs)					
	a. Without b., c., d. or e.	X	P	P	P	P
	b. With on-site sale of alcoholic beverages	X	C	P	P	P
	c. With dancing and/or live entertainment	X	C	C	C	C

	d. With drive-through or drive-in	X	X	C	C	C
	e. With micro-brewery or winery and limited distribution	X	X	C	C	C
40.	Retail service shop including, but not limited to, appliance repair and sales, stereo/TV/video repair and sales, catering, health spa, martial arts or dance studios, laundromat, dry cleaners, locksmith, mail receiving service, swimming pool/spa service and supplies, pet grooming, photographic processing, printing, lithography, engraving, copy, plumbing, electrical, heating/air conditioning, shoe repair, tailor, costume rental, dry cleaning without an on-site plant.					
	a. Open within the hours of 7:00 a.m. to 9:00 p.m.	X	X	P	P	P
	b. Open outside the hours of 7:00 a.m. to 9:00 p.m.	X	X	A	A	A
41.	Retail sales shop including, but not limited to, books, stationery, arts and crafts (with light assembly), hobby, coins and/or stamps, candy, window coverings, gifts, hardware, home furnishings, florist, meat, delicatessen, medical supply, music (with or without instruction), furniture, jewelry, dry good or notions, shoes, pets, paint, firearms, sporting goods, glass, clothing, ice cream, and antiques.					
	a. Open within the hours of 7:00 a.m. to 9:00 p.m.	X	X	P	P	P
	b. Open outside the hours of 7:00 a.m. to 9:00 p.m.	X	X	A	A	A
42.	Shelter for the homeless and short-term transitional housing	X	X	X	X	C
43.	Shopping and business center					
	a. Retail uses	X	X	C	C	C
	b. Retail and non-retail uses	X	X	C	C	C
	c. Non-retail	A	A	A	A	A
44.	Smoke, cigarette, cigar, or tobacco store	X	X	C	C	X
5	Tattoo and/or piercing service	X	X	X	X	C
46.	Taxi or fleet dispatch and maintenance facility	X	X	X	X	C
47.	Theater, motion picture and/or live					
	a. Indoor	X	X	A	A	A
	b. Outdoor	X	X	C	C	C
48.	Towing and impound service subject to the requirements of section 90-895 (g).	X	X	X	X	C
49.	Transportation service including, but not limited to, dial-a-ride, depot, train station, bus station (no	X	X	C	C	C

	truck terminals)					
50.	Thrift store	X	X	A	A	X
D.	**Manufacturing and Assembly**					
1.	Above-ground vehicle fuel storage tank used for an on-going manufacturing business. Sale of fuel to the public is prohibited. Tanks shall be considered structures, they shall comply with setback requirements of the zone and shall be set back a minimum 100 feet from a Hemet Circulation Element Map road, and shall be screened from view from public streets. Requirements of the Uniform Fire Code and applicable state and federal laws shall be met.	X	X	X	X	C
2.	Above-ground bulk vehicle fuel storage tank used for storage, distribution, and wholesale to businesses. Sale of fuel to the general public is prohibited. Tanks shall be considered structures, they shall comply with setback requirements of the zone and shall be set back a minimum 100 feet from a Hemet Circulation Element Map road, and shall be screened from view from public streets. Requirements of Section 90-895(10) of the Hemet Municipal Code, the Uniform Fire Code and applicable state and federal laws shall be met.	X	X	X	X	C
3.	Assembly of small electrical appliances or equipment including, but not limited to, radios, phonographs, TVs, cameras, lighting fixtures, picture frames, fans, toasters, toys, electric motor repair, fiberglass blankets.	X	X	X	X	P
4.	Cabinet manufacturing and assembly	X	X	X	X	P
5.	Ceramic products manufacturing using only previously pulverized clay and kilns fired only by electricity or low pressure gas.	X	X	X	X	P
6.	Cleaning, wholesale laundry and dying plant	X	X	X	X	A
7.	Distribution facilities including, but not limited to, bottled water, food products, prepackaged goods, machine parts, machinery	X	X	X	C	C
8	Food lockers, frozen	X	X	X	X	P
9	Furniture manufacturing	X	X	X	C	P
10.	Furniture upholstery	X	X	X	P	P
11	Machine shop	X	X	X	X	C
12	Motion picture studios	X	X	X	C	C
13	Ornamental iron works	X	X	X	C	P
14.	Transportation maintenance, storage and service yards, excluding truck terminals but including bus	X	X	X	C	C

	charter service subject to the requirements of section 90-895					
15.	Warehousing and storage, indoor and outdoor in compliance with section 90-895 (storage of fuel or flammable liquids is prohibited)					
	a. General storage	X	X	X	X	C
	b. Lumber and building materials and equipment storage (not associated with a retail store)	X	X	X	C	C
	c. Mini-storage including recreational and marine vehicles	X	X	X	X	C
E.	**Recreation and Open Space Uses**					
1.	Billiard parlor and/or pool hall	X	X	X	C	C
2.	Bowling alley	X	X	X	C	C
3.	Game court - lighted (with ten-foot high court fencing)	C	C	C	C	C
4.	Golf course, country club and/or driving range	C	C	X	X	X
5.	Lodge hall for civic, social, or fraternal organizations	C	C	C	C	C
6.	Recreation center, slot car racing, miniature golf, batting cages, game court (with ten-foot high court fencing), health club, racquetball, swim facility, and water park - commercial	X	C	C	C	C
7.	Skating center	X	X	C	C	C
8	Shooting range, indoor only	X	X	X	C	C
F.	**Miscellaneous Uses**					
1.	Church, temple, synagogue or other religious facility including, but not limited to, parish house, convent, parsonage, monastery, religious school	C	C	C	C	X
2.	Conversion of a structure from a residential use to a nonresidential use in compliance with article IX					
	a. For use by a permitted use	A	A	A	A	A
	b. For use by a conditionally permitted use	C	C	C	C	C
3.	Library	A	P	P	P	P
4.	Meal and grocery charitable service					
	a. On-site distribution	X	X	X	C	C
	b. Off-site distribution	X	X	X	P	P
5.	Museum	A	P	P	P	P
6.	Public facilities and utilities including, but not limited to, electrical substations, transmission substation, city facilities and public offices	A	P	P	P	P
7.	School or college including, but not limited to, art, business, cosmetology, craft, dance, music,	X	P	P	P	P

	professional, technical and trade					
8	Stormwater facilities					
	a. Flood control channels	P	P	P	P	P
	b. Detention and retention basins	P	P	P	P	P
9	Swap meet and farmer's market					
	a. Permanent	X	X	X	X	C
	b. Nonpermanent as a temporary use subject to section 90-73	X	X	X	P	P
G.	**Accessory Uses**					
1.	Accessory structures and uses located on the same site as a permitted use	P	P	P	P	P
2.	Accessory structures and uses located on the same site as a conditional use	C	C	C	C	C
3.	Satellite dish antennas					
	a. <39 inches in diameter when ground- or roof-mounted subject to the requirements of article XLVI and section 90-894 A.	P	P	P	P	P
	b. >39 inches when ground- or roof-mounted subject to the requirements of article XLVI and section 90-894 A.	P	P	P	P	P
4.	Outdoor activities within a clearly defined area accessory to a primary use					
	a. Display of merchandise	A	A	A	A	A
	b. Outdoor seating	A	A	A	A	A

B. The following entries in the land use matrix in Section 90-932 are amended to read as follows.

DOWNTOWN LAND USE MATRIX P - Permitted Use A = Administrative Use Permit C = Conditionally Permitted Use X = Not Permitted		
ZONE	**D-1**	**D-2**
A. Residential Uses		
1. Bed and breakfast	A	A
2. Home occupation in an existing single-family home subject to the requirements of section 90-72	P	P
3. Household pets in an existing single-family home including, but not limited to, dogs and cats when on the site of an existing residential unit subject to the requirements of section	P	P

90-77		
4. Mixed use, an integrated mix of residential and nonresidential uses on a single site, including but not limited to, retail, professional offices, service commercial, restaurants, residential uses on the second floor over office or commercial uses.	C	C
5. Multiple-family residence subject to the requirements of the R-3 zone development standards	C	C
6. Single-family residential structures constructed prior to April 20, 2001 pursuant to section 90-936	P	P
B. Commercial Uses		
1. Adult business as defined in section 90-18	X	X
2. Alcohol Sales		
a. In conjunction with an exempt land use per Section 90-90(e)	P	P
b. All other on-sale and off-sale alcohol sales	C	C
3. Antiques (not thrift store)	P	P
4. Apparel, new	P	P
5. Arcade, video or internet	A	A
6. Art galleries, arts and crafts	P	P
7. Artist studio		
a. Studio without living space	P	P
b. Studio with living space	A	A
8. Automotive, motorcycle, and marine vehicle services, including, but not limited to, parts and equipment sales (including tires) with or without installation, engine and transmission maintenance and repair, smog certification, and window tinting installation.	X	C
9. Automotive, motorcycle, and marine vehicle body and/or paint shop	X	C
10. Automotive, motorcycle, and marine vehicle sales		
a. Without outdoor display	X	A
b. With outdoor display	X	C
11. Automotive, motorcycle, and marine vehicle wash facility		
a. Self service	X	A
b. Full service	X	C
12. Bakery, with or without on-site sales	P	P
13. Bank, savings and loan, credit union	P	P
14. Bar, nightclub, and dance hall		
a. With on-site sale of alcoholic beverage	C	C
b. With on-site live entertainment or dancing	C	C
15. Barber and/or beauty shop	P	P
16. Bookstores, new and used	P	P
17. Coffee house, with or without food and books	P	P
18. Cultural facilities and museums	P	P

19. Drive-through or drive-in facility including, but not limited to, dry cleaners, fast food restaurants, and pharmacies	X	X
20. Equipment rental including, but not limited to, moving and construction vehicles and equipment	X	X
21. Farmer's market (ongoing)	A	A
22. Gasoline station including self service or full service facilities		
a. As a primary use (offered for sale) on the site subject to the regulations listed in subsection 90-897(b). All vehicle fuel storage tanks shall be underground. Aboveground propane, natural, and other similar fuel gas tanks may be permitted when set back at least 50 feet from the public right-of-way, installed in accordance with the uniform fire code, applicable state and federal laws, and screened in accordance with subsection 90-895(10)	X	C
b. Gasoline pumps as an accessory use and where fuel is not offered for sale	X	A
c. With mini-mart but without sale of alcohol	X	A
d. With mini-mart and sale of alcohol	X	C
23. Gift and specialty shops, new	P	P
24. Grocery and specialty foods, ice cream	P	P
25. Graphic production	P	P
26. Hotel or motel	C	C
27. Kiosk, permanent retail	A	A
28. Liquor or convenience store	C	C
29. Museum	P	P
30. Offices, professional, general including medical, dental and optometry	P	P
31. Parking lot - commercial	A	A
32. Pawnshop	X	X
33. Pharmacy		
a. Without alcohol sales	P	P
b. With alcohol sales	C	C
34. Photographic studio	P	P
35. Radio station, AM and/or FM (without antennae)	A	A
36. Recording studio	A	A
37. Restaurant (not including bars and nightclubs)		
a. Dining without b., c., d. or e.	P	P
b. Dining with on-site sale of alcoholic beverages	A	A
c. Dining with dancing and/or live entertainment	A	A
d. Drive-through or drive-in restaurants	X	X
e. Micro-brewery or winery and limited distribution	A	A
38. Retail services shops including, but not limited to, appliance repair and sales, catering, health spa, martial arts or dance studios, locksmith, pet grooming, printing and copy, shoe repair, tailor, costume rental.	P	P

39. Retail sales shops including, but not limited to, books, stationery, hobby, coins and/or stamps, candy, window coverings, gifts, hardware, home furnishings, florist, music (with or without instruction), furniture, jewelry, dry goods or notions, shoes, pets, paint, sporting goods.	P	P
40. Smoke, cigarette, cigar or tobacco store or hookah lounge	X	X
41. Sporting goods	P	P
42. Storage — Outdoor	X	X
43. Theater, motion picture and/or live		
a. Indoor	A	A
b. Outdoor	C	C
44. Thrift store	X	X
45. Transportation service including, but not limited to, dial-a-ride, depot, train station, bus station (no truck terminals)	C	C
C. Recreation and Miscellaneous Uses		
1. Billiard parlor and/or pool hall	C	C
2. Lodge hall for civic, social, or fraternal organizations	C	C
3. Community center	A	A
4. Conversion of a structure from a residential use to a nonresidential use in compliance with article IX		
a. For use by a permitted use	A	A
b. For use by a conditionally permitted use	C	C
5. Entertainment, open air	C	C
6. Public facilities and utilities including, but not limited to, city facilities and public offices	P	P
7. School or college including, but not limited to, city facilities and public offices	A	A
8. School or studio offering music, art, and dance lessons	P	P
D. Accessory Uses		
1. Accessory structures and uses located on the same site as a permitted use	P	P
2. Outdoor activities within a clearly defined area accessory to a primary use		
a. Display of merchandise	A	A
b. Outdoor seating	A	A

C. The following entries in the land use matrix in Section 90-1042 are amended to read as follows.

MANUFACTURING LAND USE MATRIX P=Permitted Use C=Conditionally Permitted Use X=Not Permitted			
ZONE		**M-1**	**M-2**
A.	**Agricultural Uses**		
1.	Above-ground or underground	P	P

	vehicle fuel storage tanks for use with an on-going agricultural operation. Sale of fuel to the public is prohibited. Tanks shall be considered structures, they shall comply with setback requirements of the zone and shall be setback a minimum 100 feet from a Hemet Circulation Element Map road, and shall be screened from view from public streets. Requirements of the Uniform Fire Code and applicable state and federal laws shall be met.		
2.	Aircraft landing strip or heliport pad for use in agricultural operations (Approval by the Riverside County Airport Land Use Commission may be required)	X	P
3.	Bovine and equine animals in accordance with the requirements of section 90-77	P	P
4.	Chickens (see poultry)	X	X
5.	Dairy products plant	X	P
6.	Feed store	X	P
7.	FFA (Future Farmers of America), 4-H (head, hands, heart, health) or similar projects conducted by the occupants of an existing single-family home (A no fee temporary use permit is required see section 90-73. For animal keeping requirements see section 90-77	P	P
8	Flour, feed and grain mills	X	P
9	Horticulture (excluding forestry operations) including, but not limited to apiaries and, aviaries (in accordance with chapter 10), farms, orchards	P	P
10.	Kennels - Commercial, for dogs and/or cats (See section 90-78 for requirements)	C	C
11	Nurseries, greenhouses and		

	gardening		
	a. Wholesale	P	P
	b. Retail	P	P
12	Peat and topsoil processing and storage	X	C
13	Poultry (except turkeys, geese and guinea foul) chinchillas, hamsters, rabbits and other small animals on existing single-family residential, (See section 90-188 for additional requirements)	P	P
B.	**Residential Uses**		
1.	Bed and breakfast in an existing single-family residence	C	C
2.	Day care facility		
	a. >six but less than 12 clients	P	P
	b. >12 clients	P	P
3.	Family care home (state licensed) in an existing single-family home for mentally disordered, handicapped, dependent or neglected children, serving up to a maximum of six persons	P	P
4.	Home occupations in an existing single-family home subject to the requirements of section 90-72	P	P
5.	Household pets in an existing single-family home including, but not limited to dogs, pot belly pigs, and cats when on the site of an existing residential unit (see section 90-77	P	P
6.	Single-family residential dwelling unit (existing) including manufactured housing, prefabricated housing, and mobile homes built after 1986 when installed on permanent foundations when in accordance with section 90-315 A.	P	P
7.	Rented room (a maximum of one room) within an existing	P	P

	single-family dwelling		
8	Residential care facility (state licensed) in an existing single-family home for the elderly serving up to a maximum of six persons	P	P
C.	**Commercial Uses**		
1.	Adult business as defined in section 90-18 and in accordance with section 90-4-1	C	C
2.	Alcohol Sales		
	a. In conjunction with an exempt land use per Section 90-90(e)	P	P
	b. All other on-sale and off-sale alcohol sales	C	C
3.	Animal hospital	C	C
4.	Automotive services including but not limited to auto detailing, auto stereo or window tinting installation, auto parts store, car rental (see other uses herein for additional requirements)	P	P
5.	Automobile/motorcycle/small truck/boat body and/or paint shop	P	P
6.	Automobile/motorcycle/small truck tune, lube and smog shop	C	C
7.	Bakery, wholesale with incidental retail sales (i.e., less than 25 percent of the gross floor area)	P	P
8.	Banks, savings and loan, credit unions	P	P
9.	Barber and/or beauty shop	P	P
10.	Car wash		
	a. With steam cleaning and car laundry	P	P
	b. Pac kaged	P	P
11.	Cemetery		
	a. Without mortuary	P	P
	b. With mortuary	P	P

	c. With crematorium and mortuary	P	P
12.	Communication services (with or without assembly or manufacturing)	P	P
13.	Drive-through or drive-in facility including, but not limited to dry cleaners, dairy, video rental	C	C
14.	Environmental cleanup and treatment systems (subject to a temporary use permit see section 90-73	P	P
15.	Gasoline station, with or without a mini-mart, including self serve, full serve. All vehicle fuel storage tanks shall be underground. Above-ground propane, natural, and other similar fuel gas tanks may be permitted when setback at least 50 feet from the public right-of-way, installed in accordance with the Uniform Fire Code, applicable state and federal laws, and screened in accordance with subsection 90-1045(g)(10).	C	C
16.	Offices (see article XL for parking requirements)		
	a. Medical includ ing laboratories as an accessory use	P	P
	b. Gene ral including, but not limited to accounting, appraising, architects, consulting, research, insurance, legal, stockbrokerage, real estate	P	P
	c. Conversion o f a residence to office in accordance with article IV	C	C
7.	Pharmacy		
	a. Without alcohol sales	P	P
	b. With alcohol sales	C	C
8.	Photographic studio		
	a. Excluding film processing,	P	P

	supplies and retail sales		
	b. With film processing, supplies and retail sales	P	P
19.	Radio station (a.m. and/or f.m.)	C	
20.	Recording studio	P	P
21.	Recycling facility - nonpermanent (subject to a temporary use permit see section 90-73	P	P
22.	Recycling facility - resource collection center	P	P
23.	Recycling processing center	C	C
24.	Restaurant (not including bars and nightclubs)		
	a. With dancing and/or live entertainment	C	C
	b. With on-site sale of alcoholic beverages	C	C
	c. With drive-through or drive-in	C	C
	d. With Micro-Brewery	C	C
25.	Towing and impound service when the requirements of section 90-1045(g) are met	P	P
26.	Transportation service including, but not limited to bus charter, taxi, dial-a-ride, depot, train station, but excluding truck terminals	P	P
7.	Truck scales, public	P	P
8.	Veterinary office/small animal clinic	P	P
D.	**Manufacturing and Assembly**		
1.	Above-ground or underground fuel storage tanks for use with an on-going manufacturing business. Sale of fuel to the public is prohibited. Above-ground tanks shall be considered structures, they shall comply with setback requirements of the zone and shall be setback a minimum 100 feet from a Hemet Circulation Element Map road, and shall be screened from	P	P

	view from public streets. Requirements of the Uniform Fire Code and applicable state and federal laws shall be met.		
2.	Above-ground bulk fuel storage tanks used for storage, distribution, and wholesale to businesses. Sale of fuel to the general public is prohibited. Tanks shall be considered structures, they shall comply with setback requirements of the zone and shall be setback a minimum 100 feet from a Hemet Circulation Element Map road, and shall be screened from view from public streets. Requirements of subsection 90-1045(g)(10) of this Code, the Uniform Fire Code and applicable state and federal laws shall be met.	P	P
3.	Aircraft and aircraft parts and accessories manufacturing	X	P
4.	Asphalt products manufacturing	X	C
5.	Battery manufacturing	X	P
6.	Boat building	X	P
7.	Box factory and cooperage	X	P
8	Brewery and distillery (limited retail sales for off-site consumption allowable)	P	P
9	Cabinet manufacturing and assembly including, but not limited to wood working, furniture making and assembly	P	P
10.	Carpet cleaning plant	X	P
11	Carport and rug manufacturing	X	C
12	Cement, lime, gypsum and plaster of paris manufacturing	X	C
13	Cement products manufacturing including, but not limited to concrete mixing and batching	X	C
14.	Ceramic products manufacturing using only previously pulverized clay and	P	P

	kilns fired only by electricity or low pressure gas		
15.	Chemical products manufacturing including, but not limited to adhesive, bleaching, bluing, calcimine, dyestuff (except aniline dyes), essential oils, soda and soda compounds, vegetable gelatine, glue, size	X	C
16	Cleaning, wholesale laundry and dying plant	P	P
17	Cold storage plant	X	P
18.	Cork manufacturing	X	P
19.	Distribution facilities including, but not limited to bottled water, food products, prepackaged goods, machine parts, machinery	P	P
20.	Film manufacturing	X	C
21.	Food lockers, frozen	P	P
22	Furniture manufacturing and sale	P	P
23.	Furniture upholstery	P	P
24.	Hair, felt and feather processing	X	C
25.	Hatcheries	X	P
26	Junkyards when the requirements of section 90-1045(g) are met	X	C
27	Laboratory including but not limited to experimental, testing, research or commercial	P	P
28.	Linoleum and oilcloth manufacturing	X	C
29	Lumber and building materials yard excluding planing mill	P	P
30	Machine shop	P	P
31	Manufacturing (including metal stamping and extrusion of small products), assembly and packaging including, but not limited to electronic equipment, business machines, cosmetics, medical supplies, toiletries, scientific equipment, video and	P	P

	audio equipment, drafting supplies, photographic equipment, precision instruments, musical instruments, cutlery, and kitchen utensils		
32.	Manufacturing, assembly and packaging including, but not limited to sign manufacturing, heating and ventilating ducts and equipment, cornices, eaves, cans, metal containers, brooms brushes, fire arms, glass and glass products, graphite and graphite products, ice, jute, hemp, sisal, oakum, leather/fur finishing and dying (excluding tanning and curing)	X	P
33	Mattress manufacturing	X	P
34	Meat products processing and packaging excluding slaughtering (except for poultry and rabbits), glue and size manufacturing	X	P
35.	Metal alloys and foil manufacturing including, but not limited to solder, pewter, brass, bronze, tin, lead, gold	X	P
36.	Metal casting, finishing, plating and foundries (excluding magnesium foundries)	X	C
37.	Mobile home/manufactured housing fabrication and assembly	X	P
38	Motion picture production	P	P
39.	Ornamental iron works	P	P
40.	Paint manufacturing including, but not limited to enamel, lacquer, shellac, turpentine, varnish	X	C
41.	Painting, enameling and lacquering shop	X	P
42	Paper product manufacturing including, but not limited to shipping containers, pulp goods, carbon paper, coated paper stencils	X	P

43.	Petroleum products storage and distribution	X	C
44.	Plastics manufacturing	X	P
45.	Porcelain products manufacturing including, but not limited to bathroom and kitchen fixtures and equipment	X	P
46	Publishing	P	P
47.	Retails sales of products manufactured on-site, when no more than 25 percent of the gross floor area is used for retail sales	P	P
48.	Rock, sand or gravel excavating and/or distribution	X	C
49.	Rolling mill	X	C
50.	Rubber products manufacturing including, but not limited to tires, tubes, gloves	X	P
51.	Sandblasting	X	P
52	Sanitary fill operation	X	C
53	Sheet metal shop	X	P
54	Shoe polish manufacturing	P	
55.	Starch and dextrine manufacturing	X	C
56.	Steel products manufacturing and assembly including, but not limited to steel cabinets, lockers, doors, fencing, furniture, bars, girders, rails, wire rope	P	
57.	Stone products manufacturing and processing including, but not limited to abrasives, asbestos, stone screening and sand and lime products	X	C
58	Storage of building materials, contractor equipment when the requirements of section 90-1045(g) are met	P	P
59.	Tire retreading and recapping	P	P
60.	Transportation maintenance, storage and service, excluding truck terminals but including bus charter service, freight	P	P

	terminal when the requirement of section 90-1045(g) are met		
61.	Warehousing including mini-storage (storage of fuel or flammable liquids is prohibited).	X	
a.	General Storage	P	P
b.	Mini-storage	C	C
62	Wholesale business storage, including cash and carry market when the requirements of section 90-1045(g) are met	P	P
63.	Woodworking (see cabinet manufacturing)	P	P
64.	Wrecking yard when the requirements of section 90-1045(g) are met	X	C
E.	**Recreation and Open Space Uses**		
1.	Equestrian activities including, but not limited to riding academies, stables and thoroughbred farms	C	C
2.	Game court - lighted (with ten-foot high court fencing)	C	C
3.	Recreation center, park, playground, unlighted game court (with ten-foot high court fencing) racquetball center, swim club	P	P
4.	Shooting range, indoor	C	C
F.	**Miscellaneous Uses**		
1.	Church, temple synagogue, or other religious facility including, but not limited to parish house, convent, parsonage, monastery, religious school	X	X
2.	Flood control facilities including, but not limited to, detention and retention basins, flood control channels	P	P
3.	Public facilities and utilities including but not limited to, electrical substations, transmission substations, city facilities, and public offices	C	C
4.	Recreation vehicle storage	P	P

	yard when the requirements of section 90-1045(g) are met		
5.	School or college including, but not limited to art, business, cosmetology, craft, dance, music, professional, technical and trade	P	P
6.	Swap meet	C	C
G.	**Accessory Uses**		
1.	Accessory structures and uses located on the same site as a permitted use	P	P
2.	Accessory structures and uses located on the same site as a conditional use	C	C
3.	Antennas for microwave, cellular phones, and the like	C	C
4.	Satellite dish antennas		
	a. <39 inches in diameter when ground or roof mounted meeting the requirements of section 90-1044(a)	P	P
	b. >39 inches but less than eight feet in diameter when ground or roof mounted meeting the requirements of section 90-1044(a)	P	P

Attachment No. 2

Planning Commission Resolution No. 12-020

City Council
January 8, 2013

CITY OF HEMET
Hemet, California

PLANNING COMMISSION
RESOLUTION NO. 12-020

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ZONING ORDINANCE AMENDMENT NO. 12-005, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA, ADDING A NEW SECTION 90-90 (ALCOHOL SALES) TO ARTICLE III (SPECIAL USES AND CONDITIONS) OF CHAPTER 90 (ZONING) OF THE HEMET MUNICIPAL CODE, AND AMENDING LISTS OF PERMITTED USES IN SECTIONS 90-892, 90-932 AND 90-1042, AN ELEMENT OF THE HEMET RESTORING OUR COMMUNITY STRATEGY (HEMET ROCS) PROGRAM.

WHEREAS, pursuant to Government Code sections 65854 and 65855, the Planning Commission has the authority to review and make recommendations to the City Council regarding amendments to the City's zoning ordinances; and

WHEREAS, on November 23, 2012, the City gave public notice by publishing notice in the Press Enterprise of the holding of a public hearing at which the amendment to the City's zoning ordinances would be considered; and

WHEREAS, on December 4, 2012 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the proposed amendment to the City's zoning ordinance and at which time the Planning Commission considered the proposed amendment to the City's zoning ordinance; and

WHEREAS, the City has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect of the environment; and

WHEREAS, attached as Exhibit "A" is the proposed Ordinance.

NOW, THEREFORE, the Planning Commission of the City of Hemet does Resolve, Determine, Find and Order as follows:

SECTION 1: ENVIRONMENTAL FINDINGS

The Planning Commission, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines and Thresholds of Significance, the direction of the Planning Commission at its meeting on August 21, 2012 and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code Sections 21080(e) and 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. **CEQA:** The City has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The addition of this section to Chapter 90 only relates to regulations for Tobacco Stores and Smoking Lounges. It does not relate to any physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that this Ordinance may have a significant adverse effect on the environment, and therefore the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 2: ZONING ORDINANCE AMENDMENT FINDINGS

Pursuant to Hemet Municipal Code Section 90-41.5(a), the Planning Commission makes the following findings with respect to this zoning ordinance amendment:

1. *The zoning ordinance amendment is in conformance with the latest adopted general plan for the City.*

   The proposed zoning ordinance amendment is in conformance with the latest adopted general plan for the City in that adopting regulations and provisions for alcoholic beverage sales does not conflict with any allowable uses in the land use element and does not conflict with any policies or programs in any other element of the general plan. This Ordinance is in conformance with a fundamental objective of the City's general plan and residential zoning program to foster a healthy community through land use and urban design practices that support healthy and sustainable lifestyles (Land Use Goal LU-15), and Land Use Policy 15.5 which permits the City to create, update and enforce regulations and laws pertaining to the location, retailing, and use of unhealthy substances.

2. *The zoning ordinance amendment will protect the public health, safety and welfare.*

The Zoning Ordinance Amendment protects the public health, safety and welfare by recognizing the right of individuals to have access to alcoholic beverages while maintaining the City's legitimate interest in local land use regulation and public safety. This Zoning Ordinance maintains zoning requirements through the conditional approval of alcoholic beverage sales which will reduce the potential impacts to sensitive uses, preserve the quality and character of commercial districts, and enhance the safety of residents in such a manner to avoid clustering and over concentration of tobacco stores in proximity to residential areas.

SECTION 3: PLANNING COMMISSION ACTIONS

The Planning Commission hereby takes the following actions:

1. The Planning Commission approves Zoning Ordinance Amendment No. 12-005 recommending that the City Council adopt the proposed Ordinance which is attached hereto and incorporated herein by reference as Exhibit "A."

PASSED, APPROVED AND ADOPTED this 4th day of December, 2012, by the following vote:

AYES: Chairman Gifford, Vice Chairman Overmyer and Commissioners Moghadam, Perciful and Vasquez
NOES: None
ABSTAIN: None
ABSENT: None

John Gifford, Chairman
Hemet Planning Commission

ATTEST:

Nancie Shaw, Records Secretary
Hemet Planning Commission

Attachment No. 3

Census Tract Map

For Hemet and Surrounding Areas

&

Summary Table for Alcoholic Beverage Licenses

City Council

January 8, 2013

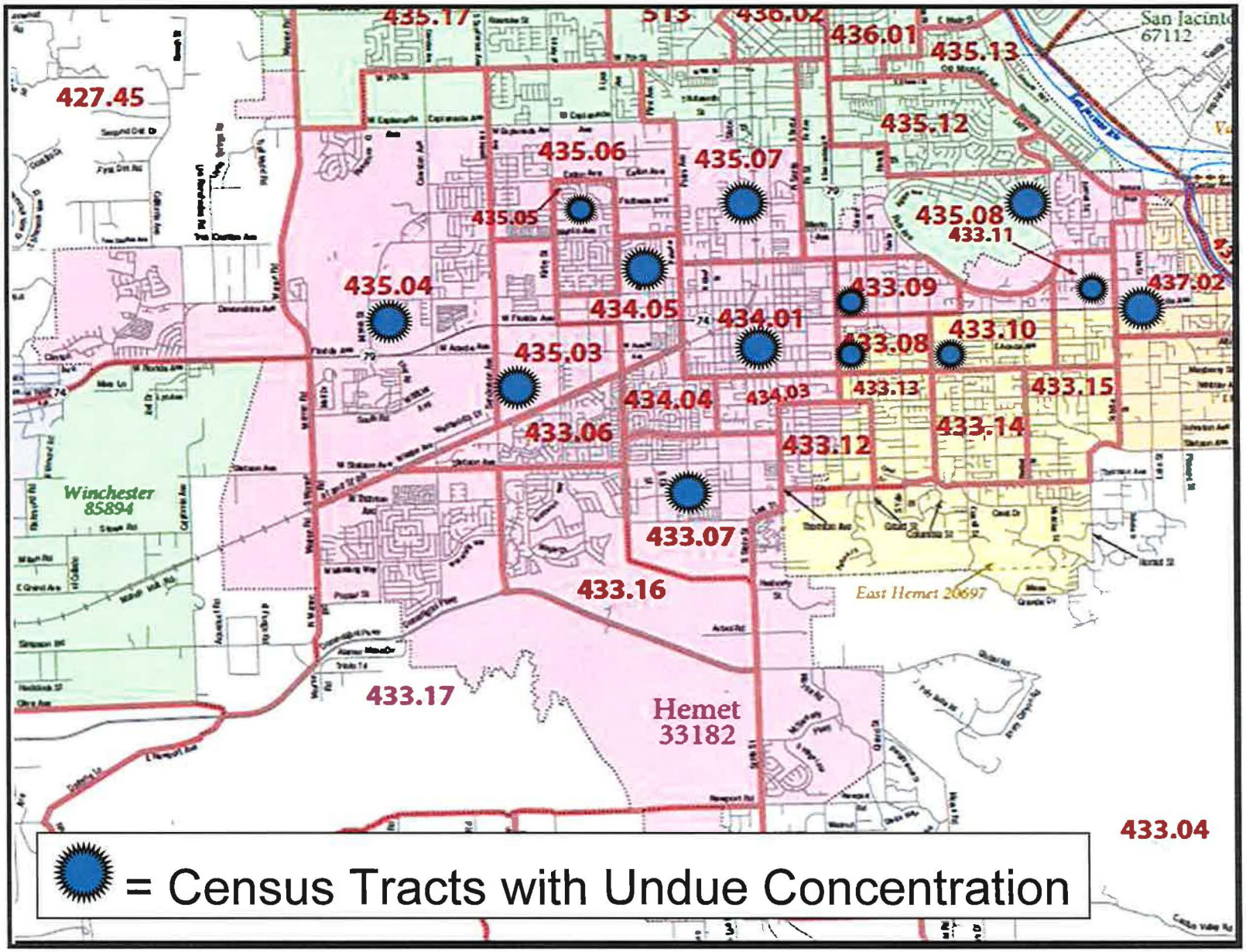

435.17
513
436.02
436.01
San Jacinto
67112
435.13
427.45
435.12
435.06
435.07
435.05
435.08
433.11
435.04
433.09
437.02
434.05
434.01
433.10
435.03
433.08
433.13
433.15
434.04
434.03
433.14
433.06
433.12
Winchester
85894
433.07
433.16
East Hemet 26697
433.17
Hemet
33182
433.04
= Census Tracts with Undue Concentration

Table 1
Alcoholic Beverage Licenses by Census Tract
(December, 2012)

Census Tract No.	2010 Population	Total No. of Licenses Allowed in Census Tract	No. of Licenses Issued in Hemet	No. of Licenses Issued Outside of Hemet	Is Census Tract Over-Concentrated
427.23	5506	4.4	0	4	At Threshold
433.04	6816	5.5	2	0	No[1]
433.06	4538	3.6	0	0	No[2]
433.07	5872	4.7	16	0	Yes
433.08	2770	2.2	8	0	Yes
433.09	2890	2.3	10	0	Yes
433.10	3120	2.5	3	7	Yes
433.11	2265	1.8	3	1	Yes
433.12	3862	3.1	0	0	No[2]
433.13	3504	2.8	0	0	No[2]
433.14	3631	2.9	0	0	No[2]
433.15	2073	1.7	0	0	No[2]
434.01	5791	4.6	29	0	Yes
434.03	2847	2.3	1	0	No[2]
434.04	2544	2.0	0	0	No[2]
434.05	4217	3.4	14	0	Yes
435.03	4112	3.3	21	0	Yes
435.04	7743	6.2	17	0	Yes
435.05	2911	2.3	3	0	Yes
435.06	6386	5.1	2	0	No[1]
435.07	6700	5.4	2	4	Yes
435.08	7014	5.6	2	9	Yes
437.02	4235	3.4	0	8	Yes
437.03	2585	2.1	0	0	No[2]
TOTALS	**103,932**	**83**	**133**	**33**	**166 Combined**

Footnotes: [1] Mostly Zoned Residential [2] All Zoned Residential

Attachment No. 4

Separation Standard Comparison Table

City Council
January 8, 2013

ALCOHOL SALES

SEPARATION COMPARISON WITH SURROUNDING CITIES

JURISDICTION	SEPARATION FROM:	DISTANCE
CITY OF HEMET (Current)	NONE	N/A
CITY OF HEMET (Proposed)	PUBLIC SCHOOL	600'
	PUBLIC PARK	600'
	PLACE OF WORSHIP	600'
	RESIDENTIAL USE OR RESIDENTIALLY ZONED PROPERTY	100'
	PAROLEE-PROBATIONER HOME	1000'
	EMERGENCY SHELTER	1000'
	SUPPORTIVE HOUSING	1000'
	TRANSITIONAL HOUSING	1000'
CITY OF BANNING	PUBLIC SCHOOL	500'
	PUBLIC PARK	500'
	PLACE OF WORSHIP	500'
CITY OF MURRIETA	PUBLIC OR PRIVATE SCHOOL	600'
	PUBLIC PARK	600'
	OTHER "SENSITIVE RECEPTORS"	600'
CITY OF RIVERSIDE	PAROLEE OR PROBATIONER HOME	1000'
(Varies by zone, but general	EMERGENCY SHELTERS	1000'
standards are as follow:)	SUPPORTIVE OR TRANSITIONAL HOUSING	1000'
	PUBLIC OR PRIVATE SCHOOL	600'
	HOSPITAL	600'
	PLACES OF ASSEMBLY	600'
	PUBLIC PARKS	600'
	SERVICE STATION WITH ALCOHOL SALES	300'
	RESIDENTIAL USE OR RESIDENTIALLY ZONED PROPERTY	100'
COUNTY OF RIVERSIDE	PUBLIC OR PRIVATE SCHOOL	1000'
(Notification must be provided	PUBLIC PARK	1000'
to the following uses:)	PLAYGROUND	1000'
	PLACE OF WORSHIP	1000'
CITY OF SAN BERNARDINO	GROUPING OF MORE THAN 4 SALES LOCATIONS	1000' RADIUS
	EXISTING BUSINESS WHERE ALCOHOL IS SOLD	500'
	PUBLIC OR PRIVATE SCHOOL	500'
	PUBLIC PARK, PLAYGROUND, OR REC. CENTER	500'
	NONPROFIT YOUTH FACILITY	500'
	PLACE OF WORSHIP	500'
	HOSPITAL	500'
	RECOVERY OR TREATMENT FACILITY	500'
	COUNTY SOCIAL SERVICE OFFICE	500'
	CRIME REPORTING DISTRICT WHERE CRIME RATE EXCEEDS 20%	500'
CITY OF SAN JACINTO	EXISTING BUSINESS WHERE ALCOHOL IS SOLD	1000'
	PUBLIC OR PRIVATE SCHOOL	600'
	PLACE OF WORSHIP	600'
	PUBLIC PARK	600'
	YOUTH FACILITY	600'
	RESIDENTIAL USE OR RESIDENTIALLY ZONED PROPERTY	100'
	POOL HALL/BILLIARD PARLOR	100'
CITY OF TEMECULA	RELIGIOUS INSTITUTIONS	600'
	EDUCATION FACILITY	600'
	DAY CARE CENTER	600'
	PUBLIC PARK	600'

NOTE: In general, separation requirements do not apply when permitted by right or exempt from the requirement to obtain a CUP

Attachment No. 5

Land Use Comparison Table

City Council
January 8, 2013

ALCOHOL SALES
LAND USE COMPARISON WITH SURROUNDING CITIES
for
On-Sale - Restaurants

JURISDICTION	PERMIT APPROVAL / REQUIREMENT	ZONES PERMITTED	ADOPTED STANDARDS IN ZONING ORDINANCE?
HEMET (Existing)	Permitted by Right CUP	C-1, C-2, C-M O-P	No
HEMET (Proposed)	**Permitted by Right when exempt per 90-90** **CUP, not exempt per 90-90**	**O-P, C-1, C-2, C-M, D-1, D-2, M-1, M-2** **O-P, C-1, C-2, C-M, D-1, D-2, M-1, M-2**	**Yes - Separation Requirements** **Yes - Separation Requirements**
BANNING	Permitted by Right CUP	AI DC, GC, HSC, PO, BP	No
CORONA	Permitted by Zoning Administrator CUP	C-P, C-2, C-3 M-1, M-2, M-3, M-4	No
MENIFEE	Same as County of Riverside		No
MURRIETA	Permitted by Right	PC, NC, CC, RRC, MU-3	No
RIVERSIDE, CITY OF	Permitted by Right Site Plan Review CUP	CR, CG, MU-N, BMP, AI, AIR CRC, MU-V O	No
RIVERSIDE, COUNTY OF	Plot Plan Review CUP	C-1/C-P, C-T, C-P-S, C-R, C-O, I-P, M-SC, M-M, M-H, C/V R-R	No
SAN JACINTO	MUP	CD, CN, CG, CR, BP, IL, IH	No
TEMECULA	Permitted by Right (Beer and Wine) CUP (w/Spirits)	NC, CC, HT, SC, PO, BP, LI	No

On-Sale - Bars, Night Clubs, Lounges

JURISDICTION	PERMIT APPROVAL / REQUIREMENT	ZONES PERMITTED	ADOPTED STANDARDS IN ZONING ORDINANCE?
HEMET (Existing)	AUP (sales only) CUP (w/Live Entertainment or Dancing)	C-2, C-M, D-1, D-2	None
HEMET (Proposed)	**CUP (alcoholic beverage sales only)** **CUP (w/Live Entertainment or Dancing)**	**C-2, C-M, D-1, D-2**	**Yes - Separation Requirements**
BANNING	CUP	DC, GC, HSC, AI	Yes - Separation Requirements
CORONA	CUP	C-3	No
MENIFEE	Same as County of Riverside		No
MURRIETA	CUP	PC, NC, CC, RRC, MU-3	Yes - Separation Requirements
RIVERSIDE, CITY OF	CUP	CR, CG, CRC, MU-N, MU-V, MU-U	Yes - Separation Requirements
RIVERSIDE, COUNTY OF	CUP	R-R, C-1/C-P, C-P-S, C-R, C-T	No
SAN JACINTO	CUP	CD, CR, OP	Yes - Separation Requirements
TEMECULA	CUP	CC, HT, SC	Yes - Separation Requirements

Off-Sale - Retail Incidental

JURISDICTION	PERMIT APPROVAL / REQUIREMENT	ZONES PERMITTED	ADOPTED STANDARDS IN ZONING ORDINANCE?
HEMET (Existing)	Permitted by Right AUP	C-1, C-2, C-M C-1, C-2, C-M	between hours of 7 am - 9 pm outside hours of 7 am - 9 pm
HEMET (Proposed)	**Permitted by Right when exempt per 90-90 CUP, not exempt per 90-90**	**C-1, C-2, C-M C-1, C-2, C-M**	**Yes - Separation Requirements**
BANNING	CUP	GC, HSC, PO	Separation Requirements for CUP
CORONA	Permitted by Zoning Administrator CUP	C-P, C-2, C-3 C-3 (Convenience Store)	No
MENIFEE	Same as County of Riverside		No
MURRIETA	Permitted by Right	PC, NC, CC, RRC, MU-3	No
RIVERSIDE, CITY OF	CUP (Exempt if more than 15,000 s.f. of gross floor area)	O, CR, CG, CRC, MU-N, MU-V, MU-U	Separation Requirements for CUP
RIVERSIDE, COUNTY OF	Plot Plan Review CUP	C-1/C-P, C-P-S, C-R R-R	Interior floor space of 20,000 sq. ft. engaged in the sale of groceries and does not sell motor vehicle fuels - Separation Requirements for CUP
SAN JACINTO	Permitted by Right	CD, CN, CG, CR	No
TEMECULA	Permitted by Right	NC, CC, HT, SC, PO	No

Off-Sale - Liquor Stores

JURISDICTION	PERMIT APPROVAL / REQUIREMENT	ZONES PERMITTED	ADOPTED STANDARDS IN ZONING ORDINANCE?
HEMET (Existing)	Permitted by Right AUP	C-1, C-2, C-M C-1, C-2, C-M	between hours of 7 am - 9 pm outside hours of 7 am - 9 pm
HEMET (Proposed)	**CUP**	**O-P, C-1, C-2, C-M, M-1, M-2**	**Yes - Separation Requirements**
BANNING	CUP	GC, HSC, PO	Yes - Separation Requirements
CORONA	CUP	C-3	No
MENIFEE	Same as County of Riverside		Yes - Separation Requirements
MURRIETA	CUP	PC, NC, CC, RRC, MU-3	Yes - Separation Requirements
RIVERSIDE, CITY OF	CUP	CR, CG, CRC, MU-N, MU-V, MU-U	Yes - Separation Requirements
RIVERSIDE, COUNTY OF	CUP	R-R, C-1/C-P, C-P-S, C-R	Refer to §18.48 for Alcohol Beverage Sales provisions
SAN JACINTO	CUP	CD, CN, CG, CR, OP	Yes - Separation Requirements
TEMECULA	Not Permitted (Exist./Nonconforming) CUP (Beer & Wine only)	NC, CC, HT, SC	No, not permitted

AGENDA # 16

Staff Report

TO: Honorable Mayor and City Council

FROM: John Jansons, Director of Community Investment

DATE: January 08, 2013

RE: City Council Appointment of Director to the Hemet Community Land Trust.

RECOMMENDATION:
Staff recommends that the City Council appoint a new "City Director" to the Hemet Community Land Trust to fill the vacancy created by the retirement of James Foreman.

BACKGROUND:
With the 2012 election and retirement of James Foreman, a vacancy was created on the Hemet Community Land Trust (HCLT) for position of "City Director" among the initial Board of Directors.

The HCLT was formed as a separate 5013c public benefit corporation for the purpose of assisting the City, the former Redevelopment Agency and the Hemet Housing Authority deliver housing activities, projects and services to the Hemet community.

DISCUSSION:
In order to conduct future HCLT business it is necessary to have at least three board members in office. It is necessary that the City Council appoint a member of the Council to serve as a board member of the HCLT so the HCLT may conduct future business.

The Council, at its pleasure may nominate an interested Councilperson to serve in this capacity and then affirmatively vote to appoint a new "City Director". The term on the new director will be concurrent to the term of the former director and will remain effective until June 30, 2013.

The Board of the HCLT is expected to meet in the next few months to conduct normal business. For reference, the Bylaws of the Hemet Community Land Trust are attached hereto as Attachment 1.

ALTERNATIVES:
None recommended.

FISCAL IMPACT:
None.

COORDINATION AND REVIEW:
The recommended action has been coordinated with the City Clerk's Office, Community Investment Department, and the City Attorney.

STRATEGIC PLAN AND COUNCIL GOALS INTEGRATION:
The recommended action supports the City's goals of partnering for progress, providing for new and improved housing stock, and to realize neighborhood preservation and revitalization.

CONCLUSION:
Staff recommends that the City Council appoint a new "City Director" to the Hemet Community Land Trust to fill the vacancy created by the retirement of James Foreman.

ATTACHMENTS: 1 – Hemet Community Land Trust Bylaws

Recommended By:

John Jansons
Community Investment Director

Approved By:

Ronald Bradley
Interim City Manager

ATTACHMENT 1

Hemet Community Land Trust Bylaws

Hemet City Council
January 08, 2013

BYLAWS OF
HEMET COMMUNITY LAND TRUST

ARTICLE 1

NAME OF CORPORATION

The name of this corporation is Hemet Community Land Trust (the "Corporation").

ARTICLE 2

OFFICES

Section 2.1 PRINCIPAL OFFICE

The principal office for the transaction of the business of the Corporation shall be fixed and located in the city of Hemet, California. The Board of Directors (the "Board") may change the principal office from one location to another, and this section shall be amended accordingly.

Section 2.2 OTHER OFFICES

The Board may at any time establish branch offices, either within or outside the State of California, in order to advance the proper purposes of the Corporation.

ARTICLE 3

OBJECTIVES AND PURPOSES

The Corporation has been formed under the California Nonprofit Public Benefit Corporation Law for charitable purposes. No substantial part of the activities of the Corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate or intervene in any political campaign on behalf of (or in opposition to) any candidate for public office. The Corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the charitable purposes described in its Articles of Incorporation.

The specific purpose of this corporation is to lessen the burdens of government by assisting the City of Hemet, California (the "City") to ensure that its residents are able to secure decent and affordable housing and conduct or perform any ancillary or related activity in furtherance of the foregoing. The Corporation shall be permitted to conduct other lawful activities permitted under the California Nonprofit Public Benefit Corporation Law.

ARTICLE 4

DEDICATION OF ASSETS

The properties and assets of this Corporation are irrevocably dedicated to charitable purposes. No part of the net earnings, properties, or assets of this Corporation, on dissolution or otherwise, shall inure to the benefit of any private person or individual, or any Director or Officer of this Corporation. On liquidation or dissolution, all properties and assets remaining after payment, or provision for payment, of all debts and liabilities of this Corporation shall be distributed to the City for public purposes. In the alternative, the City may designate a nonprofit fund, foundation or corporation which is organized and operated exclusively for charitable purposes and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code to receive such assets. In the event that the City does not accept any asset of this corporation on dissolution or designate a recipient, then any such asset shall be distributed to a nonprofit fund, foundation or corporation which is organized and operated exclusively for charitable purposes and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code.

ARTICLE 5

DIRECTORS

Section 5.1 POWERS

(a) General Corporate Powers. The Corporation shall have all general corporate powers provided for in Section 5410 California Corporations Code and otherwise of the California Nonprofit Public Benefit Corporation Law (California Corporations Code section 5110 et seq.). The business and affairs of the Corporation shall be managed, and all corporate powers shall be exercised by or under the direction of the Board.

(b) Specific Powers. Without prejudice to their general powers, the Board shall have the power to:

(i) Select and remove the officers of the Corporation (the "Officers"); prescribe any powers and duties for them that are consistent with the law, with the Articles of Incorporation, and with these Bylaws; and fix their compensation, if any.

(ii) Change the principal executive office or the principal business office in the State of California from one location to another; cause the Corporation to be qualified to do business in any other state, territory, dependency, or country, and conduct business within or outside the State of California; and designate any place within or outside the State of California for the holding of any meeting.

(iii) Adopt, make, and use a corporate seal and alter the form of the seal.

(iv) Borrow money and incur indebtedness on behalf of the Corporation and cause to be executed and delivered for the Corporation's purposes, in the Corporate name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecations, and other evidences of debt.

Section 5.2 NUMBER OF DIRECTORS

Except for the Initial Board (as defined in Section 5.3), the authorized number of directors of the Corporation (the "Directors") shall be seven (7).

Section 5.3 APPOINTMENT AND TERM OF OFFICE OF DIRECTORS

(a) Pursuant to Corporations Code section 5134, the incorporator appointed Jim Foreman and Jerry Franchville (the "Initial City Directors"), and Susan York, (the "Initial At-Large Directors) to serve as the initial Directors of the Corporation (collectively the "Initial Board"). The Initial Board shall prepare the Corporation to begin operations by attending to such matters as electing officers of the Corporation, submitting the Corporation's applications for recognition of tax-exempt status and any other applicable filings or registrations, and opening bank accounts.

The Directors of the Initial Board shall served for the following initial terms. One (1) of the Initial City-Directors and one (1) of the Initial At-Large Directors, as determined by the incorporator, shall serve for a term of one (1) year. One (1) of the Initial City-Directors and two (2) of the Initial At-Large Directors, as determined by the incorporator, shall serve for a term of two (2) years. The final two (2) Initial At-Large Directors, if appointed by the incorporator, shall serve for a term of (3) years.

(b) Thereafter, the Board shall be selected as follows:

(i) Two (2) of the authorized Directors shall be appointed by the City (the "City Directors") by a majority vote of the members of the City Council of the City. The appointment may be accomplished by the delivery of written notice from the City's Mayor or City Manager, which notice shall be filed in the minute book of the Corporation. Such appointment shall be effective upon the future date specified in the notice, or upon receipt by the Corporation if no future date is specified. City Directors shall only serve during their term of office as a City Councilmember and upon the expiration of such term or upon the Councilmember's seat on the Council being otherwise deemed vacant under the law, the City Director's seat on the Board shall also be deemed vacant.

(ii) Until at least one hundred individuals reside in properties owned or managed by the Corporation, five (5) of the authorized Directors shall be elected by the Board and shall be residents of the City, or persons owning, operating, or managing a lawful business within the City, who are not employees of the

City or residents of housing located on land owned or managed by the Corporation (the "At-Large Directors"). Preference will be given to the election of At-Large Directors having experience with the development, operation or management of affordable housing projects, or experience generally with property management, real estate development, finance, city government, redevelopment, residential building and construction, or who are within the professions of law, architecture, planning, real estate, banking, insurance, accounting, or similar professions, or the owning, operation or management of a local business. Once Resident Directors are elected pursuant to Section 5.3(b)(iii), the number of At-Large Directors shall be reduced to three (3).

(iii) Once at least one hundred individuals reside in properties owned, managed, or monitored by the Corporation, two (2) of the authorized Directors shall be residents of housing located on land owned, managed, or monitored by the Corporation (the "Resident Directors"). The Resident Directors shall be selected by the Board from individuals recommended by the residents of housing located on land owned, managed, or monitored by the Corporation pursuant to a procedure established by the Board. The recommendation process described in this Section 5.3(b)(iii) does not create any members within the meaning of Section 5310 et seq., of the California Nonprofit Public Benefit Corporation Law. The Board shall amend this Section 5.3(b)(iii) if necessary to avoid the creation of memberships. Resident Directors shall only serve while they remain residents of properties owned, managed, or monitored by the Corporation.

(c) All Directors shall serve terms of three (3) years. Directors may serve three consecutive terms.

(d) The Chair of the Board shall be selected by a majority vote of the Directors following the appointment or election of Directors at each annual meeting.

Section 5.4 QUALIFICATIONS OF BOARD MEMBERS

Subject to specific eligibility requirements stated in Section 5.3, any person 18 years of age or older may serve as a Director.

Section 5.5 VACANCIES

(a) Events Causing Vacancy. A vacancy on the Board shall be deemed to exist at the occurrence of any of the following:

(i) The death, resignation, or removal of any Director or upon the Director not longer meeting the eligibility requirements for their seat as provided in Section 5.3. .

(ii) The declaration by resolution of the Board of a vacancy in the office of a Director who has been declared of unsound mind by court.

(iii) The failure of the Board, at any meeting of the Board at which any Director(s) is to be appointed or elected, to appoint or elect the

Director(s) to be appointed or elected at such meeting pursuant to the provisions of Section 5.3(b).

(iv) Removal of a Director, as provided in subdivision (c) of this Section, upon the adoption of a Resolution of Removal by a majority of the Directors then in office.

(v) The increase of the authorized number of Directors.

(b) Resignation. Except as provided in this paragraph, any Director may resign, which resignation shall be effective on giving written notice to the Chair of the Board, the Executive Director, or the Secretary, unless the notice specifies a later time for the resignation to become effective. No Director may resign when the Corporation would then be left without a duly elected Director or Directors in charge of its affairs.

(c) Removal.

(i) Any City Director may be removed without cause, by the City. The removal may be accomplished by the delivery of written notice from the City's Mayor or City Manager, which notice shall be filed in the minute book of the Corporation. Such removal shall be effective upon the future date specified in the notice, or upon receipt by the Corporation if no future date is specified. A City Director may only be removed by the majority of the Directors then in office with cause. .

(ii) Any Resident Director may be removed without cause by the majority of the Directors then in office upon the written request of the residents of housing located on land owned, managed, or monitored by the Corporation. The Board shall establish policies and procedures governing such requests by residents. Any Resident Director may be removed with cause by a majority of the Directors then in office.

(iii) Any At-Large Director may be removed by the Board, with or without cause, upon the majority vote of the Directors then in office at a special meeting called for that purpose, or at a regular meeting.

(iv) For the purpose of subdivision (c) of Section 5.5 of these By-Laws, "cause" shall mean any of the following:

(A) Fraudulent or dishonest acts or gross abuse of authority or discretion with reference to the Corporation, as determined by a majority of the Board.

(B) A breach or violation of the standard of care for Directors provided in Section 5230 et seq., of the California Corporations Code, as determined by a majority of the Directors.

(C) A material breach of the Corporations Conflict of Interest Code, as determined by a majority of the Directors.

(D) Any Director who does not attend three successive Board meetings, without excuse, . Excuse means:

1. A majority of the Directors present at the meeting, excuse the Director's absence.

2. The Director requests a leave of absence for a limited period of time, and the leave is approved by the Directors at a regular or special meeting. If such leave is granted, the number of Board members will be reduced by one in determining whether a quorum is or is not present.

3. The Director suffers from an illness or disability which prevents him or her from attending meetings and the Board by resolution waives the automatic removal procedure of this subsection (ii).

(d) Filling of Vacancies. Any vacancy caused by the death, resignation, or removal of a Director shall be filled in accordance with the provisions of Section 5.3(b).

Section 5.6 RALPH M. BROWN ACT

To the extent required by law, all meetings of the Board, including, without limitation, regular, adjourned regular, special, and adjourned special meetings shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code), or any successor legislation hereinafter enacted (the "Brown Act").

Section 5.7 PLACE OF MEETING

Meetings of the Board shall be held at the principal office of the Corporation unless a different place is designated in the notice of such meeting.

Section 5.8 ANNUAL MEETING

The Board shall hold an annual meeting for purposes of electing Directors and Officers, designating committees, and transacting regular business. The date of the annual meeting shall be the first Tuesday of each year unls otherwise designated by the Board. The date, hour and place of the meetings shall be fixed by resolution of the Board . To the extent permitted by the Brown Act, such meetings may be held by telephone conference.

Section 5.9 SPECIAL MEETINGS

Special meetings of the Board may be called in accordance with the provisions of Section 54956 of the California Government Code. To the extent permitted by the Brown Act, such meetings may be held by telephone conference.

Section 5.10 WAIVER OF NOTICE

The transactions of any meeting of the Board, however called and noticed and wherever held, shall be as valid as though taken at a meeting duly held after regular call and notice if (a) a quorum is present and (b) either before or after the meeting, each of the Directors not present signs a written waiver of notice, a consent to holding of the meeting, or an approval of the minutes. The waiver of notice or consent need not specify the purpose of the meeting. All waivers, consents, and approvals shall be filed with the corporate records or made a part of the minutes of the meeting. Notice of a meeting shall also be deemed given to any Director who attends the meeting without protesting before or at its commencement about lack of adequate notice.

Section 5.11 ACTION WITHOUT MEETING

Any action required or permitted to be taken by the Board may be taken without a meeting, if all members of the Board individually or collectively consent in writing to such action. Such written consent or consents shall be filed with the minutes of the proceedings of the Board. Such action by written consent shall have the same force and effect as the unanimous vote of such Directors.

Section 5.12 QUORUM

A majority of the Board shall constitute a quorum for the transaction of business, except to adjourn as provided in Section 5.13. Every act or decision done or made by a majority of the Directors present at a meeting held at which a quorum is present shall be regarded as the act of the Board, subject to the provisions of these Bylaws and the California Nonprofit Public Benefit Corporation Law. A meeting at which a quorum is initially present may continue to transact business, notwithstanding the withdrawal of any Director, if any action taken is approved by at least a majority of the quorum required for the meeting.

Section 5.13 ADJOURNMENT

A majority of the Directors present, whether or not constituting a quorum, may adjourn any meeting to another time and place.

Section 5.14 NOTICE OF ADJOURNMENT

Notice of the time and place of holding an adjourned meeting need not be given, unless the meeting is adjourned for more than twenty-four (24) hours, in which case notice of the time and place shall be given before the time of the adjourned meeting to the

Directors who were not present at the time of the adjournment. Such notice may be waived in the same manner as set forth under Section 5.10.

Section 5.15 COMPENSATION OF DIRECTORS

Directors and members of committees may receive reimbursement of business and travel expenses directly related to the operation or business of the Corporation as may be determined by resolution of the Board to be just and reasonable. Directors shall not otherwise be compensated.

Section 5.16 RESTRICTION ON INTERESTED DIRECTORS

Not more than forty-nine percent (49%) of the persons serving on the Board at any time may be interested persons. An interested person is (a) any person compensated by the Corporation for services rendered to it other than those performed as a Director within the previous twelve (12) months, whether as a full-time or part-time employee, independent contractor, or otherwise; (b) any shareholder, employee or officer of any corporation, or partner or employee of any partnership, which has rendered compensated services to the Corporation within the previous twelve (12) months; and (c) any brother, sister, ancestor, descendant, spouse, brother-in-law, sister-in-law, mother-in-law, or father-in-law of any person described in (a) or (b) hereof. Any violation of the provisions of this paragraph shall not, however, affect the validity or enforceability of any transaction entered into by the Corporation.

ARTICLE 6

COMMITTEES

Section 6.1 COMMITTEES OF DIRECTORS

The Board may, by resolution adopted by a majority of the Directors then in office, designate one or more committees consisting of two or more Directors to serve at the pleasure of the Board. Any member of any committee may be removed, with or without cause, at any time by the Board. Any committee, to the extent provided in the resolution of the Board, shall have all or a portion of the authority of the Board, except that no committee, regardless of the Board resolution, may:

(a) Fill vacancies on the Board or on any committee;

(b) Amend or repeal the Articles of Incorporation or Bylaws or adopt new Bylaws;

(c) Amend or repeal any resolution of the Board;

(d) Designate any other committee of the Board or appoint the members of any committee;

(e) Except as provided in Section 5233 of the California Nonprofit Public Benefit Corporation Law, approve any transaction (i) to which the Corporation is a party and as to which one or more Directors has a material financial interest, or (ii) between the Corporation and any corporation or entity in which one or more of its Directors has a material financial interest.

Section 6.2 AUDIT COMMITTEE

The Board shall establish an audit committee as and when required by Section 12586(e) of the California Government Code.

Section 6.3 ADVISORY COMMITTEES

The Board may appoint one or more advisory committees consisting of Directors and/or non-Directors for the purpose of advising the Board. Any advice rendered by such an advisory committee shall not be binding on the Board.

Section 6.4 MEETING AND ACTION OF COMMITTEES

The Board may adopt rules for any committee not inconsistent with the provisions of these Bylaws.

ARTICLE 7

OFFICERS

Section 7.1 OFFICERS

The Corporation shall have the following Officers: Chair of the Board, Executive Director , Secretary, Treasurer, and General Counsel, and such other Officers as the Board may designate by resolution and appoint pursuant to Section 7.3. Officers need not be Directors. One person may hold two or more offices, except those of Executive Director and Secretary, and Executive Director and Treasurer. Officers, Except for the Chair of the Board, may receive such reasonable compensation, if any, for their services, and such reimbursement for expenses, as may be fixed and determined by the Board. The Board (or a committee of the Board) shall review and approve the compensation, including benefits, if any, of any paid staff.

Section 7.2 ELECTION OF OFFICERS

The Officers of the Corporation, except the Chair of the Board, Treasurer, Secretary, and General Counsel and except those appointed in accordance with the provisions of Section 7.3 of this Article, shall be chosen annually by the Board. Except as provided below, each Officer shall serve at the pleasure of the Board, subject to the rights, if any, of any Officer under a contract of employment.

The Treasurer of the Corporation shall be the then serving Finance Director for the City of Hemet. The Secretary of the Corporation shall be the then serving City Clerk

for the City of Hemet. The General Counsel of the Corporation shall be the City Attorney of the City or the General Counsel of the City Redevelopment Agency. The Treasurer and Secretary may be removed by the City or by the Board for cause as provided in subdivision (c)(iv) of Section 5.5. of these By-Laws

Section 7.3 SUBORDINATE OFFICERS

The Board may appoint, and may authorize the Executive Director or any other Officer to appoint any other Officers that the business of the Corporation may require, each of whom shall have the title, hold office for the period, have the authority, and perform the duties specified by the Bylaws or determined from time to time by the Board.

Section 7.4 REMOVAL OF OFFICERS

Subject to rights, if any, under any contract of employment, any Officer may be removed, with or without cause, by the Board, at any regular or special meeting of the Board, or, except in the case of an Officer chosen by the Board, by an Officer on whom such power of removal has been conferred by the Board.

Section 7.5 RESIGNATION OF OFFICERS

Any Officer may resign at any time by giving written notice to the Board, the Executive Director, or the Secretary of the Corporation. Any resignation shall take effect at the date of receipt of that notice or at any later time specified in that notice. Unless otherwise specified in that notice, the acceptance of the resignation shall not be necessary to make it effective. Any resignation shall be without prejudice to the rights, if any, of the Corporation under any contract to which the Officer is a party.

Section 7.6 VACANCIES IN OFFICE

A vacancy in any Office because of death, resignation, removal, disqualification, or any other cause shall be filled only in the manner prescribed in these Bylaws for regular appointments to that Office.

Section 7.7 RESPONSIBILITIES OF OFFICERS

(a) Executive Director. The Executive Director shall be the chief executive officer of the Corporation. He or she shall have such other powers and duties as may be prescribed by the Board or these Bylaws. The Executive Director shall be responsible to the Board, shall see that the Board is advised on all significant matters of the Corporation's business, and shall see that all orders and resolutions of the Board are carried into effect. The Executive Director shall be empowered to act, speak for, or otherwise represent the Corporation between meetings of the Board within the boundaries of policies and purposes established by the Board and as set forth in the Articles of Incorporation and these Bylaws. The Executive Director shall be responsible for keeping the Board informed at all times of staff performance as related to program objectives, and for implementing any personnel policies adopted by the Board. The

Chair of the Board shall be empowered to act in the stead of the Executive Director during absences or the Executive Director an at such times as the position is vacant.

(b) Secretary. The Secretary shall attend to the following:

(i) Book of Minutes. The Secretary shall keep or cause to be kept, at the principal executive office or such other place as the Board may direct, a book of minutes of all meetings and actions of Directors and committees of Directors, with the time and place of holding regular and special meetings, and if special, how authorized, the notice given, the names of those present at such meetings, and the proceedings of such meetings.

(ii) Notices and Other Duties. The Secretary shall give, or cause to be given, notice of all meetings of the Board required by the Bylaws to be given. The Secretary shall have such other powers and perform such other duties as may be prescribed by the Board or the Bylaws.

(c) Treasurer. The Treasurer shall be the chief financial officer of the Corporation and shall attend to the following:

(iii) Books of Account. The Treasurer shall keep and maintain, or cause to be kept and maintained, adequate and correct books and records of accounts of the properties and business transactions of the Corporation, including accounts of its assets, liabilities, receipts, disbursements, gains, losses, capital, and other matters customarily included in financial statements. The books of account shall be open to inspection by any Director at all reasonable times.

(iv) Deposit and Disbursement of Money and Valuables. The Treasurer shall deposit, or cause to be deposited, all money and other valuables in the name and to the credit of the Corporation with such depositors as may be designated by the Board; shall disburse, or cause to be disbursed, funds of the Corporation as may be ordered by the Board; shall render to the Executive Director and Directors, whenever they request it, an account of all financial transactions and of the financial condition of the Corporation; and shall have other powers and perform such other duties as may be prescribed by the Board or the Bylaws.

(v) Bond. If required by the Board, the Treasurer shall give the Corporation a bond in the amount and with the surety specified by the Board for the faithful performance of the duties of his or her office and for restoration to the Corporation of all its books, papers, vouchers, money, and other property of every kind in his or her possession or under his or her control on his or her death, resignation, retirement, or removal from office.

(d) General Counsel. The General Counsel shall be chiefly responsible for advising the Board and the officers of the Corporation with regard to application of federal, state, and local laws, regulations, and ordinances to operations, transactions and projects of the Corporation, and for reviewing the form and content of resolutions, amendments to articles and by-laws, and contracts and other transactional documents related to the Corporation. The General Counsel shall have authority to interpret the Corporation's Conflict of Interest Code for the Board and shall address questions of parliamentary procedure. Notwithstanding the foregoing, the Board may, from time to time, as it deems appropriate, retain special legal counsel on such terms as the Board finds reasonable, to represent the Corporation in transactions or in matters of litigation.

ARTICLE 8

RECORDS AND REPORTS

Section 8.1 MAINTENANCE OF ARTICLES AND BYLAWS

The Corporation shall keep at its principal executive office the original or a copy of its Articles of Incorporation and Bylaws as amended to date.

Section 8.2 MAINTENANCE OF OTHER CORPORATE RECORDS

The accounting books, records, and minutes of the proceedings of the Board and any committee(s) of the Board shall be kept at such place or places designated by the Board, or, in the absence of such designation, at the principal office of the Corporation. The minutes shall be kept in written or typed form, and the accounting books and records shall be kept in either written or typed form or in any other form capable of being converted into written, typed, or printed form.

Section 8.3 INSPECTION BY DIRECTORS AND CITY

Every Director and any authorized representative of the City shall have the absolute right at any reasonable time to inspect all books, records, and documents of every kind and the physical properties of the Corporation and each of its subsidiary corporations. This inspection by a Director may be made in person or by an agent or attorney, and the right of inspection includes the right to copy and make extracts of documents.

Section 8.4 ANNUAL STATEMENT OF CERTAIN TRANSACTIONS AND INDEMNIFICATION

As soon as reasonably practicable after the close of the fiscal year, the Corporation shall prepare and mail or deliver to each Director and the City an annual statement that includes (i) the financial statements of the Corporation accompanied by any report thereon of independent accountants, or, if there is no such report, the certificate of an authorized officer of the Corporation that such statements were prepared

without audit from the books and records of the Corporation and (ii) the amount and circumstances of any transaction or indemnification of the following kind:

(a) Any transaction(s) in which the Corporation was a party, and in which any Director or Officer of the Corporation had a direct or indirect financial interest.

(b) Any indemnifications or advances aggregating more than Ten Thousand Dollars ($10,000) paid during the fiscal year to any Officer or Director of the Corporation pursuant to Article 9 hereof, unless such indemnification has already been approved pursuant to Section 9.1.

ARTICLE 9

INDEMNIFICATION OF DIRECTORS AND OFFICERS

Section 9.1 RIGHT TO INDEMNIFICATION

This Corporation shall indemnify any person who was or is a party, or is threatened to be made a party, to any action or proceeding by reason of the fact that such person is or was an Officer, Director, or agent of this Corporation, or is or was serving at the request of the Corporation as a director, officer, employee, or agent of another foreign or domestic corporation, partnership, joint venture, or other enterprise, against expenses, judgment, fines, settlements, and other amounts actually and reasonably incurred in connection with such proceeding, to the fullest extent permitted under the California Nonprofit Public Benefit Corporation Law.

In determining whether indemnification is available to the Director, Officer or agent of this Corporation under California law, the determination as to whether the applicable standard of conduct set forth in Section 5238 of the California Nonprofit Public Benefit Corporation Law has been met shall be made by a majority vote of a quorum of Directors who are not parties to the proceeding. The indemnification provided herein shall not be deemed exclusive of any other rights to which those indemnified may be entitled, and shall continue as to a person who has ceased to be an agent and shall inure to the benefit of the heirs, executors, and administrators of such a person.

Section 9.2 INSURANCE

This Corporation shall have the power and shall use its best efforts to purchase and maintain insurance on behalf of any Director, Officer, or agent of the Corporation, against any liability asserted against or incurred by the Director, Officer, or agent in any such capacity or arising out of the Director's, Officer's, or agent's status as such, whether or not the Corporation would have the power to indemnify the agent against such liability under Section 9.1 of these Bylaws; provided, however, that the Corporation shall have no power to purchase and maintain such insurance to indemnify any Director, Officer, or agent of the Corporation for any self-dealing transaction described in Section 5233 of the California Nonprofit Public Benefit Corporation Law.

ARTICLE 10

CONTRACTS AND LOANS WITH DIRECTORS AND OFFICERS

Section 10.1 CONTRACTS WITH DIRECTORS AND OFFICERS

(a) No Director or Officer of this Corporation, nor any other corporation, firm, association, or other entity in which one or more of this Corporation's Directors or Officers are directors or have a material financial interest, shall be interested, directly or indirectly, in any contract or other transaction with this Corporation, unless (i) the material facts regarding such Director's or Officer's financial interest in such contract or transaction and/or regarding such common directorship, officership, or financial interest are fully disclosed in good faith and are noted in the minutes, or are known to all members of the Board prior to consideration by the Board of such contract or transaction; (ii) such contract or transaction is authorized in good faith by a majority of the Board by a vote sufficient for that purpose without counting the vote or votes of such interested Director(s); (iii) prior to authorizing or approving the transaction, the Board considers and in good faith determines after reasonable investigation under the circumstances that the Corporation could not obtain a more advantageous arrangement with reasonable effort under the circumstances; and (iv) this Corporation enters into the transaction for its own benefit, and the transaction is fair and reasonable to this Corporation at the time the transaction is entered into.

(b) The provisions of this Section do not apply to a transaction which is part of a charitable program of the Corporation if it: (i) is approved or authorized by the Corporation in good faith and without unjustified favoritism; and (ii) results in a benefit to one or more Directors or Officers or their families because they are in the class of persons intended to be benefited by the charitable program of the Corporation.

Section 10.2 LOANS TO DIRECTORS AND OFFICERS

The Corporation shall not make any loan of money or property to or guarantee the obligation of any Director or Officer, unless approved by the Attorney General of the State of California; provided, however, that the Corporation may advance money to a Director or Officer of the Corporation for expenses reasonably anticipated to be incurred in the performance of the duties of such Director or Officer, provided that in the absence of such advance such Director or Officer would be entitled to be reimbursed for such expenses by the Corporation.

ARTICLE 11

FISCAL YEAR

The fiscal year of the Corporation shall be the fiscal year, commencing July 1 and ending on June 30.

ARTICLE 12

CITY REVIEW AND APPROVAL

Section 12.1 CITY APPROVAL OF PROJECTS

Prior to approval of any proposed project (a "Project") by the Corporation, the Corporation shall circulate a notice to the City Directors providing a description of the Project. At least one City Director must inform the Corporation in writing that he or she approves the Project, the Corporation may, if it chooses, undertake and complete the Project. The Corporation shall not undertake a Project without the written approval of at least one City Director. For purposes of this Section 12.1, "Project" is limited to: (i) any acquisition or sale of real property, (ii) any mortgage of property, (iii) any agreement with a property owner or manager to monitor affordable housing compliance, (iv) any revision to the resale formula of any residence on the Corporation's property, and (v) any new construction project or substantial rehabilitation project in which the interest of the Corporation or expense to the Corporation is or may reasonably exceed $10,000. .

Section 12.2 CITY REVIEW OF ANNUAL BUDGET

Upon written request of the City Manager of the City, the annual budget of the Corporation shall be delivered to the City Manager for review before the budget is adopted by the Corporation. The City Manager shall have no legal authority to act for the Corporation, but the Board shall in good faith review any recommendations made by the City Manager regarding the annual budget to be adopted by the Corporation.

ARTICLE 13

CONSTRUCTION AND DEFINITIONS

Unless the context requires otherwise, the general provisions, rules of construction, and definitions in the California Nonprofit Public Benefit Corporation Law shall govern the construction of these Bylaws. Without limiting the generality of the above, the masculine gender includes the feminine and neuter, the singular number includes the plural, and the plural number includes the singular.

ARTICLE 14

AMENDMENTS

Section 14.1 ARTICLES

The Articles of Incorporation of the Corporation may be amended by a majority vote of the Directors then in office, provided that all City Directors consent in writing to any such amendment.

Section 14.2 BYLAWS

Bylaws may be adopted, amended, or repealed by a majority vote of the Directors then in office, provided that all City Directors consent in writing to any such action.

ARTICLE 15

MEMBERS

Pursuant to Corporations Code section 5310, this Corporation shall not have voting members within the meaning of the California Nonprofit Public Benefit Corporation Law. The Board may admit nonvoting members of one or more classes having such rights and obligations as the Board shall deem appropriate from time to time.

CERTIFICATE OF SECRETARY

I, the undersigned, the duly elected Secretary of Hemet Community Land Trust, a California nonprofit public benefit corporation (the "Corporation"), do hereby certify:

That the foregoing Bylaws consisting of seventeen (17) pages (including this page) were adopted as the Bylaws of the Corporation by the Board of the Corporation on May 3, 2010 and do now constitute the Bylaws of the Corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 3rd day of May, 2010.

Sarah McComas

Sarah McComas, Secretary

AGENDA # 17

Staff Report

TO: Honorable Mayor and City Council

FROM: Carla Callahan, CDBG Coordinator

DATE: January 08, 2013

RE: 2013-2014 Program Year Community Development Block Grant (CDBG)

RECOMMENDATION:
That the City Council hear a presentation about the Community Development Block Grant (CDBG) program, address any comments or questions to staff and provide direction for review and award recommendation of the 2013-2014 program year CDBG applications received November 28, 2012.

BACKGROUND:
Hemet is an entitlement city of the Community Development Block Grant program and as such receives annual grants on a formula basis from U.S. Department of Housing and Urban Development (HUD). The purpose of CDBG is to carry out a wide range of community development activities directed toward revitalizing neighborhoods, economic development, and providing improved community facilities and services, with maximum feasible priority given to activities which benefit low and moderate income persons. The City is responsible for developing their own programs and funding priorities within the CDBG (HUD) requirements, as well as monitoring sub-recipients of the funds awarded under this grant.

DISCUSSION:
The purpose of this report is to provide an overview of the CDBG program and the City of Hemet's application, review and funding recommendation process. In preparation for presenting the 2013-14 CDBG funding recommendations at the February 12, 2013 meeting, staff has prepared a PowerPoint presentation on CDBG guidelines and applicable Federal requirements.

ALTERNATIVES:
N/A

FISCAL IMPACT:
There is no fiscal impact associated with hearing the presentation.

COORDINATION AND REVIEW:
The recommended action has been coordinated with all City Departments.

STRATEGIC PLAN AND COUNCIL GOALS INTEGRATION:
The recommended action supports the City's goals of partnering for progress, providing for new and improved housing stock, neighborhood preservation and revitalization and leveraging funds

CONCLUSION:
It is respectfully recommended that the City Council hear the presentation about the Community Development Block Grant (CDBG) program, address any comments or questions to staff. Then, provide guidance for review of the eligible applications and preparation of funding recommendations for the 2013-2014 program year CDBG allocation.

ATTACHMENTS:

1. Copy of CDBG Program - PowerPoint presentation.

Prepared by,

Carla Callahan,
CDBG Coordinator

Recommended by:

John Jansons,
Community Investment Director

Approved by:

Ronald E. Bradley,
Interim City Manager

Reviewed by:

Lorena Rocha for Rita Conrad

Rita Conrad,
Deputy City Manager and
Director of Administrative Services

Community Development Block Grant
(CDBG)

City of Hemet
Department of Community Investment
CDBG Workshop
January 8, 2013

Primary Objective of the CDBG Program

"The development of viable urban communities by providing the following for persons of principally low and moderate income:

- Decent housing;
- A suitable living environment; and
- Expanded economic opportunities."

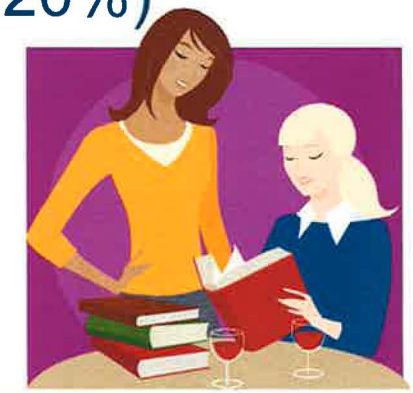
To achieve these goals, CDBG regulations set forth the ***eligible activities*** and the ***national objectives*** that each activity must meet.

Additionally, activities must be in line with the City of Hemet's 2010-2015 Consolidated Plan.

(Per Title I of the Housing and Community Development Act of 1974, as amended; (24CFR Part 570))

Eligible Activities (24CFR 570.200-.207)

- Activities Related to Public Services (cap of 15%)
- Activities Related to Housing
- Other Real Property Activities
- Public Facilities Improvements
- Activities Related to Economic Development
- Planning and Administration (cap of 20%)



National Objectives (24CFR 570.208-.209)

1) **Benefit to low and moderate income persons** (at least 70% of total expenditures)

2) Aid in the prevention or elimination of slums or blight

3) Meet a need having a particular urgency

2010-2015 Consolidated Plan Goals

- **HOUSING**

1. Expand affordable home ownership through rehabilitation, preservation, acquisition, construction and/or assistance for first time home buyers.
2. Expand affordable rental housing through rehabilitation, preservation, acquisition, and/or construction.
3. Improve residential energy efficiency.
4. Enhance low and moderate income neighborhoods.
5. Provide fair housing and rental assistance services.

- **HOMELESS**

1. Support non-profit agencies and City-operated programs that provide assisted housing and services and/or emergency shelter to assist homeless persons/families or those at risk of becoming homeless.
2. Support a Continuum of Care strategy to aid homeless persons and families transitioning to permanent housing.
3. Support a Continuum of Care strategy to end chronic homelessness by 2015.

- **PUBLIC FACILITIES**
  - Provide improvement to community and public facilities.
- **INFRASTRUCTURE**
  - Improve existing infrastructure including ADA improvements.
- **ECONOMIC DEVELOPMENT**
  - Retain and expand economic opportunities through job creation and retention.
- **YOUTH**
  - Provide supportive services for youth and at-risk youth.
- **ELDERLY AND FRAIL ELDERLY**
  - Support and assist elderly and frail elderly persons.
- **PERSONS WITH DISABILITIES**
  - Provide supportive services for persons with physical, mental or developmental disabilities; persons with HIV/AIDS; and persons with special needs.

RIVERSIDE COUNTY INCOME LIMITS
Effective December 3, 2012

Riverside County, California										
FY 2013 Income Limit Area	Median Income	FY 2013 Income Limit Category	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Riverside County	**$60,700**	Extremely Low (30%) Income Limits	$13,400	$15,300	$17,200	***$19,100***	$20,650	$23,700	$23,700	$25,250
		Very Low (50%) Income Limits	$22,300	$25,500	$28,700	***$31,850***	$34,400	$36,950	$39,500	$42,050
		Low (80%) Income Limits	$35,700	$40,800	$45,900	***$50,950***	$55,950	$59,150	$63,200	$67,300

2013/14 CDBG Funding (Anticipated)

- $698,000 in total CDBG funding for 2013/14 program year allocation *(Estimated)*

- ✓ 15% cap or $104,700 for "Public Services"
  -established minimum activity funding allocation is $10,000

- ✓ 20% cap or $139,600 for administration and planning costs

CDBG Funding Recommendation Process

- 28 applications received:
  - ***23*** met the criteria to be considered eligible
  - requests for funding = $1,549,177
  - Now what?

Review and Funding Format Options:

- ✓ City Council Ad Hoc committee?
- ✓ Citizen advisory panel?
- ✓ Citizen and staff rating and ranking?
- ✓ Staff rating and ranking?
- ✓ Other?

City of Hemet
CDBG APPLICATION RATING SHEET
Program Year 2013/14

Agency Name: _____ **Amount Requested:**_____
Project Name: _____

	Points Available	Points Earned	TOTAL Earned
1. MANAGEMENT AND IMPLEMENTATION	**50**		_____
Agency management capacity	15	_____	
Activity implementation capacity	15	_____	
Budget/cost reasonableness	10	_____	
Other funding/resources	5	_____	
Experience/past performance	5	_____	
2. ACTIVITY NEED	**50**		_____
Justification of identified need	20	_____	
Benefit to low/moderate income persons	10	_____	
Benefit to City of Hemet residents	5	_____	
Consolidated Plan Priority	5	_____	
Community considerations	5	_____	
Application quality	5	_____	
GRAND TOTAL SCORE	**100**		_____

Reviewer signature: _____ Date: _____
Reviewer Printed Name: _____

2013/14 CDBG Calendar - Proposed

- ***01/08/2013*** *- Council work study 2013/14 CDBG*
- **02/12/2013** - 2013/14 CDBG funding recommendations presented to CC
- **02/26/2013** - City Council decision on funding recommendations
- **03/09/2013** - 30-day Public Comment Period begins on funding recommendations published in Draft 2013/14 Annual Action Plan
- **04/09/2013** - Public Hearing and City Council approval of Draft Annual Action Plan
- **05/16/2013** - Deadline to submit 2013/14 Annual Action Plan to US Department of Housing and Urban Development (HUD)

Conclusion/Final Thoughts

- CDBG offers flexibility in choosing program activities that best meet the needs of our community, in accordance with the requirements of the CDBG Program.

- Final funding recommendations require Council approval.

- The 2013/14 Draft Annual Action Plan requires a 30-day public review and comment period as well as a Public Hearing prior to submission to HUD.

- Annual Action Plan due to HUD no later than May 16, 2013

2013/14 CDBG Program

- ***Questions…***
- ***Discussion…***
- ***Direction to Staff.***